

Application for a §1915(c) Home and Community-Based Services Waiver

PURPOSE OF THE HCBS WAIVER PROGRAM

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in §1915(c) of the Social Security Act. The program permits a state to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The State has broad discretion to design its waiver program to address the needs of the waivers target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid State plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the state, service delivery system structure, state goals and objectives, and other factors. A State has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

Request for an Amendment to a §1915(c) Home and Community-Based Services Waiver

1. Request Information

A. The State of Wyoming requests approval for an amendment to the following Medicaid home and community-based services waiver approved under authority of §1915(c) of the Social Security Act.

B. Program Title:

Community Choices Waiver (CCW)

C. Waiver Number: WY.0236

Original Base Waiver Number: WY.0236.90.R2

D. Amendment Number: WY.0236.R05.02

E. Proposed Effective Date: (mm/dd/yy)

07/01/20

Approved Effective Date: 07/01/20

Approved Effective Date of Waiver being Amended: 07/01/16

2. Purpose(s) of Amendment

Purpose(s) of the Amendment. Describe the purpose(s) of the amendment:

The proposed amendments are intended to update waiver administrative and operational functions; refine program goals and objectives; reduce administrative complexity and uncertainty; and to improve the participant experience throughout the enrollment, service planning, and service delivery processes. The amendment updates the waiver application throughout to reflect current practices and to more precisely describe the state's methods for program implementation and compliance with the federal standards for HCBS waiver programs.

Estimated service utilization and expenditure forecast trends and the cost effectiveness demonstration were updated for waiver years four and five. The number of unduplicated participants was decreased to reflect updated enrollment trends. The Division does not maintain a waiting list and does not anticipate any restrictions on enrollment of eligible participants in the waiver period.

Financial Management Services (FMS) are eliminated as a waiver service for waiver year five. FMS are available to participants as an administrative activity as described in Appendix E, and have not been eliminated, reduced, limited, or altered by this amendment application.

3. Nature of the Amendment

A. Component(s) of the Approved Waiver Affected by the Amendment. This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently (*check each that applies*):

Component of the Approved Waiver	Subsection(s)
Waiver Application	Main 2, 6, 7, 8, A, B
Appendix A Waiver Administration and Operation	A-1, 3, 4, 5, 6, 7, QIS
Appendix B Participant Access and Eligibility	B-1, 2, 3, 5, 6, 7, QIS
Appendix C Participant Services	C-1/3, 2, 4, 5, QIS
Appendix D Participant Centered Service Planning and Delivery	D-1, 2, QIS
Appendix E Participant Direction of Services	E-1, 2
Appendix F Participant Rights	F-1, 2
Appendix G Participant Safeguards	G-1, 2, 3, QIS
Appendix H	H-1
Appendix I Financial Accountability	I-1, 2, 3, 5, QIS
Appendix J Cost-Neutrality Demonstration	J-1, 2

B. Nature of the Amendment. Indicate the nature of the changes to the waiver that are proposed in the amendment (*check each that applies*):

Modify target group(s)

Modify Medicaid eligibility

Add/delete services

Revise service specifications

Revise provider qualifications

Increase/decrease number of participants

Revise cost neutrality demonstration

Add participant-direction of services

Other

Specify:

Application for a §1915(c) Home and Community-Based Services Waiver

1. Request Information (1 of 3)

A. The State of Wyoming requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of §1915(c) of the Social Security Act (the Act).

B. Program Title (optional - this title will be used to locate this waiver in the finder):

C. Type of Request: amendment

Requested Approval Period: (For new waivers requesting five year approval periods, the waiver must serve individuals who are dually eligible for Medicaid and Medicare.)

3 years 5 years

Original Base Waiver Number: WY.0236

Waiver Number: WY.0236.R05.02

Draft ID: WY.002.05.02

D. Type of Waiver (select only one):

E. Proposed Effective Date of Waiver being Amended: 07/01/16

Approved Effective Date of Waiver being Amended: 07/01/16

1. Request Information (2 of 3)

F. Level(s) of Care. This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid state plan (check each that applies):

Hospital

Select applicable level of care

Hospital as defined in 42 CFR §440.10

If applicable, specify whether the state additionally limits the waiver to subcategories of the hospital level of care:

Inpatient psychiatric facility for individuals age 21 and under as provided in 42 CFR §440.160

Nursing Facility

Select applicable level of care

Nursing Facility as defined in 42 CFR ??440.40 and 42 CFR ??440.155

If applicable, specify whether the state additionally limits the waiver to subcategories of the nursing facility level of care:

Institution for Mental Disease for persons with mental illnesses aged 65 and older as provided in 42 CFR §440.140

Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR

§440.150)

If applicable, specify whether the state additionally limits the waiver to subcategories of the ICF/IID level of care:

1. Request Information (3 of 3)

G. Concurrent Operation with Other Programs. This waiver operates concurrently with another program (or programs) approved under the following authorities

Select one:

Not applicable

Applicable

Check the applicable authority or authorities:

Services furnished under the provisions of §1915(a)(1)(a) of the Act and described in Appendix I

Waiver(s) authorized under §1915(b) of the Act.

Specify the §1915(b) waiver program and indicate whether a §1915(b) waiver application has been submitted or previously approved:

Specify the §1915(b) authorities under which this program operates (*check each that applies*):

§1915(b)(1) (mandated enrollment to managed care)

§1915(b)(2) (central broker)

§1915(b)(3) (employ cost savings to furnish additional services)

§1915(b)(4) (selective contracting/limit number of providers)

A program operated under §1932(a) of the Act.

Specify the nature of the state plan benefit and indicate whether the state plan amendment has been submitted or previously approved:

A program authorized under §1915(i) of the Act.

A program authorized under §1915(j) of the Act.

A program authorized under §1115 of the Act.

Specify the program:

H. Dual Eligibility for Medicaid and Medicare.

Check if applicable:

This waiver provides services for individuals who are eligible for both Medicare and Medicaid.

2. Brief Waiver Description

Brief Waiver Description. *In one page or less*, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g., the roles of state, local and other entities), and service delivery methods.

The Community Choices Waiver (CCW) provides older adults and adults with disabilities a community-based alternative to nursing facility care. Participants are supported to achieve independence, maintain health and safety, and fully participate in community living through access to high quality, cost effective community-based services.

Program goals and objectives:

Individual Authority Over Services & Supports – Provide program participants with the opportunity and authority to exert control over his/her services, supports, and other life circumstances to the greatest extent possible.

Person-Centered Service Planning & Service Delivery – Acknowledge and promote the participant's strengths, goals, preferences, needs, and desires through a person-centered service planning process. Respect and support the participant's strengths, goals, preferences, needs, and desires through person-centered service delivery.

Service Array – Offer services which complement and/or supplement the services that are available through the Medicaid State plan and other federal, state, and local public programs as well as the supports that families and communities provide to individuals.

Promote Community Relationships – Support and encourage the participant's self-determined goals to be active members of their communities. Recognize that the nature and quality of community relationships are central to participant health and wellness.

Health & Safety – Effectively manage risk and balance the participant's ability to achieve independence and maintain health and safety.

Responsible Use of Public Dollars – Demonstrate sound stewardship of limited public resources.

The CCW program is administered directly by the Wyoming Department of Health, Division of Healthcare Financing (the Division), which serves as the Medical Assistance Unit within the Single State Agency. The Division retains the ultimate administrative authority and responsibility for the operation of the waiver program through memoranda of understanding (MOUs) with other governmental agencies and contracts with vendors who conduct delegated administrative functions.

Services are delivered through a statewide network of providers and are reimbursed according to a standard fee schedule on a fee-for-service basis. The Division allows for the open, continuous enrollment of all willing and qualified service providers. The CCW program also offers the opportunity for participant-direction of select services.

3. Components of the Waiver Request

The waiver application consists of the following components. *Note: Item 3-E must be completed.*

- A. Waiver Administration and Operation.** Appendix A specifies the administrative and operational structure of this waiver.
- B. Participant Access and Eligibility.** Appendix B specifies the target group(s) of individuals who are served in this waiver, the number of participants that the state expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.
- C. Participant Services.** Appendix C specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.
- D. Participant-Centered Service Planning and Delivery.** Appendix D specifies the procedures and methods that the state uses to develop, implement and monitor the participant-centered service plan (of care).
- E. Participant-Direction of Services.** When the state provides for participant direction of services, Appendix E specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. (*Select one*):

Yes. This waiver provides participant direction opportunities. Appendix E is required.

No. This waiver does not provide participant direction opportunities. Appendix E is not required.

F. Participant Rights. **Appendix F** specifies how the state informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.

G. Participant Safeguards. **Appendix G** describes the safeguards that the state has established to assure the health and welfare of waiver participants in specified areas.

H. Quality Improvement Strategy. **Appendix H** contains the Quality Improvement Strategy for this waiver.

I. Financial Accountability. **Appendix I** describes the methods by which the state makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.

J. Cost-Neutrality Demonstration. **Appendix J** contains the state's demonstration that the waiver is cost-neutral.

4. Waiver(s) Requested

A. Comparability. The state requests a waiver of the requirements contained in §1902(a)(10)(B) of the Act in order to provide the services specified in **Appendix C** that are not otherwise available under the approved Medicaid state plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in **Appendix B**.

B. Income and Resources for the Medically Needy. Indicate whether the state requests a waiver of §1902(a)(10)(C)(i)(III) of the Act in order to use institutional income and resource rules for the medically needy (*select one*):

Not Applicable

No

Yes

C. Statewide. Indicate whether the state requests a waiver of the statewide requirements in §1902(a)(1) of the Act (*select one*):

No

Yes

If yes, specify the waiver of statewide that is requested (*check each that applies*):

Geographic Limitation. A waiver of statewide is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the state. *Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by geographic area:*

Limited Implementation of Participant-Direction. A waiver of statewide is requested in order to make *participant-direction of services* as specified in **Appendix E** available only to individuals who reside in the following geographic areas or political subdivisions of the state. Participants who reside in these areas may elect to direct their services as provided by the state or receive comparable services through the service delivery methods that are in effect elsewhere in the state. *Specify the areas of the state affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:*

5. Assurances

In accordance with 42 CFR §441.302, the state provides the following assurances to CMS:

A. Health & Welfare: The state assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:

1. As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver;
2. Assurance that the standards of any state licensure or certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The state assures that these requirements are met on the date that the services are furnished; and,
3. Assurance that all facilities subject to §1616(e) of the Act where home and community-based waiver services are provided comply with the applicable state standards for board and care facilities as specified in **Appendix C**.

B. Financial Accountability. The state assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.

C. Evaluation of Need: The state assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.

D. Choice of Alternatives: The state assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, if applicable) is:

1. Informed of any feasible alternatives under the waiver; and,
2. Given the choice of either institutional or home and community-based waiver services. **Appendix B** specifies the procedures that the state employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.

E. Average Per Capita Expenditures: The state assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid state plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-neutrality is demonstrated in **Appendix J**.

F. Actual Total Expenditures: The state assures that the actual total expenditures for home and community-based waiver and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the state's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.

G. Institutionalization Absent Waiver: The state assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this waiver.

H. Reporting: The state assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid state plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.

I. Habilitation Services. The state assures that prevocational, educational, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local educational agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.

J. Services for Individuals with Chronic Mental Illness. The state assures that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalization, psychosocial rehabilitation services, and clinic services provided as home and community-based services to individuals with chronic mental illnesses if these individuals, in the absence of a waiver, would be placed in an IMD and are: (1) age 22 to 64; (2) age 65 and older and the state has not included the optional Medicaid benefit cited in 42 CFR §440.140; or (3) age 21 and under and the state has not included the optional Medicaid benefit cited in 42 CFR § 440.160.

6. Additional Requirements

Note: Item 6-I must be completed.

- A. Service Plan.** In accordance with 42 CFR §441.301(b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in **Appendix D**. All waiver services are furnished pursuant to the service plan. The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including state plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.
- B. Inpatients.** In accordance with 42 CFR §441.301(b)(1)(ii), waiver services are not furnished to individuals who are inpatients of a hospital, nursing facility or ICF/IID.
- C. Room and Board.** In accordance with 42 CFR §441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the state that is not a private residence or (b) claimed as a portion of the rent and food that may be reasonably attributed to an unrelated caregiver who resides in the same household as the participant, as provided in **Appendix I**.
- D. Access to Services.** The state does not limit or restrict participant access to waiver services except as provided in **Appendix C**.
- E. Free Choice of Provider.** In accordance with 42 CFR §431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the state has received approval to limit the number of providers under the provisions of §1915(b) or another provision of the Act.
- F. FFP Limitation.** In accordance with 42 CFR §433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, if a provider certifies that a particular legally liable third party insurer does not pay for the service(s), the provider may not generate further bills for that insurer for that annual period.
- G. Fair Hearing:** The state provides the opportunity to request a Fair Hearing under 42 CFR §431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. **Appendix F** specifies the state's procedures to provide individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR §431.210.
- H. Quality Improvement.** The state operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the state assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The state further assures that all problems identified through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the waiver is in effect, the state will implement the Quality Improvement Strategy specified in **Appendix H**.
- I. Public Input.** Describe how the state secures public input into the development of the waiver:

-- Amendment Effective July, 1 2020 --

Following an internal review of the waiver program goals, objectives, administration, and operational performance, the Division hosted a meeting with a group of key stakeholders on August 15, 2019. The group was selected to represent diverse stakeholder perspectives and included participants, waiver service providers, case managers, the Wyoming Department of Health's Aging Division, the State Long-Term Care Ombudsman, AARP Wyoming, and the University of Wyoming's Center on Aging. The Division facilitated a discussion to solicit feedback on the revised program objectives and asked for stakeholders to evaluate how well the program achieved those objectives. Stakeholders gave advice on how to improve the waiver program and the participant and provider experiences.

The Division used the feedback and advice from the first stakeholder meeting to identify and prioritize program changes for this amendment application. In September through November of 2019, the Division organized and hosted public forums throughout the State of Wyoming to solicit feedback and advice on proposed changes to the waiver. The Division provided a brief overview of Medicaid and the Community Choices Waiver and presented summaries of the proposed changes. The stakeholder forums were held in Sheridan, Buffalo, Gillette, Cody, Riverton, Rock Springs, Cheyenne, and Casper in order to gain an understanding of the regional stakeholder experience and the potential challenges in meeting the needs and preferences of program participants in their local communities. A total of 112 people attended the stakeholder meetings, including participants, family members, waiver service providers, case managers, and professional advocates.

The Division also presented the proposed changes to its Long-Term Care Advisory Committee on November 20, 2019 and to the Tribal Leadership Advisory Council on December 17, 2019. A Notice of Intent to Amend was distributed to Tribal Governments on December 18, 2019. The notice invited Tribal Governments to submit written comments and/or request additional consultation within 30 days of the notice. The Division did not receive any written comments or requests for additional consultation in response to the notice. The Tribal Governments were invited and encouraged to submit public comments through the broader public comment period as well.

Throughout the stakeholder engagement process, Division staff provided subject matter expertise and answered questions about the waiver, services, and the proposed changes while encouraging an open discussion. Stakeholders and committee/council members provided feedback on the proposed changes to service definitions, provider qualifications, and administrative activities; shared additional ideas; asked questions about services; and shared their concerns.

On January 30, 2020, the draft waiver amendment application was posted in its entirety on the Division's website along with a summary of the proposed revisions to the currently approved waiver. The Division accepted public comment through submission of an online form or by email, phone, fax, or mail through March 3, 2020.

A notice of intent to amend and invitation for public comment was published in the Wyoming Tribune Eagle on January 30, 2020 and in the Casper Star Tribune on February 2, 2020. The notice was published on the public notice and various other pages of the Division's website. The notice was also emailed to nearly 300 recipients on the Division's distribution lists for waiver case managers, providers, and general stakeholders on January 31, 2020. A reminder email was sent February 28, 2020 to the same distribution lists. The Division's web-based email subscription management system (GovDelivery) reports show 695 opens for the initial email and 207 opens for the reminder.

The Division received a total of ten comments on the draft waiver amendment application. The Division reviewed all comments received to identify substantive comments, excluding those that were general statements of support or opposition, personal anecdotes that do not address a specific aspect of the proposed changes, and comments that are beyond the scope or authority of the proposed changes.

Substantive comments included suggestions to:

- Modify service definitions to include Licensed Practical Nurses as providers, to allow for transportation to medical appointments, to decrease case manager service coordination expectations, eliminate CPR/First Aid training for participant-directed employees, and increase background check standards;
- Remove prior authorization for skilled nursing services and the limit on meals;
- Modify provider qualifications to allow for conflicts of interest, require additional training for case managers, reduce experience requirement for case managers;
- Improve service planning procedures to expand participant control;
- Improve FMS operations;

- Revise and update program manuals;
- Increase rates.

These comments did not result in modifications to the amendment application as they had been addressed by draft amendment or required further planning and evaluation.

The full, unedited comments and the Division's public input summary and response to substantive comments is posted publicly at <https://sites.google.com/wyo.gov/ccwpubliccomment>.

J. Notice to Tribal Governments. The state assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the State of the State's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.

K. Limited English Proficient Persons. The state assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003). **Appendix B** describes how the state assures meaningful access to waiver services by Limited English Proficient persons.

7. Contact Person(s)

A. The Medicaid agency representative with whom CMS should communicate regarding the waiver is:

Last Name:

Hruby

First Name:

James

Title:

Programs and Benefits Manager

Agency:

Wyoming Department of Health, Division of Healthcare Financing

Address:

6101 Yellowstone Road, Suite 210

Address 2:

City:

Cheyenne

State:

Wyoming

Zip:

82002

Phone:

(307) 777-7366

Ext:

TTY

Fax:

(307) 777-8685

E-mail:

B. If applicable, the state operating agency representative with whom CMS should communicate regarding the waiver is:

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

City:

State:

Wyoming

Zip:

Phone:

Ext:

TTY

Fax:

E-mail:

8. Authorizing Signature

This document, together with the attached revisions to the affected components of the waiver, constitutes the state's request to amend its approved waiver under §1915(c) of the Social Security Act. The state affirms that it will abide by all provisions of the waiver, including the provisions of this amendment when approved by CMS. The state further attests that it will continuously operate the waiver in accordance with the assurances specified in Section V and the additional requirements specified in Section VI of the approved waiver. The state certifies that additional proposed revisions to the waiver request will be submitted by the Medicaid agency in the form of additional waiver amendments.

Signature:

State Medicaid Director or Designee

Submission Date:

Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.

Last Name:

First Name:

Tyler

Title:

Community-Based Services Administrator

Agency:

Wyoming Department of Health, Division of Healthcare Financing

Address:

6101 Yellowstone Road, Suite 210

Address 2:

City:

Cheyenne

State:

Wyoming

Zip:

82002

Phone:

(307) 777-2485

Ext:

TTY

Fax:

(307) 777-8685

E-mail:

Attachments

tyler.deines@wyo.gov

Attachment #1: Transition Plan

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

Replacing an approved waiver with this waiver.

Combining waivers.

Splitting one waiver into two waivers.

Eliminating a service.

Adding or decreasing an individual cost limit pertaining to eligibility.

Adding or decreasing limits to a service or a set of services, as specified in Appendix C.

Reducing the unduplicated count of participants (Factor C).

Adding new, or decreasing, a limitation on the number of participants served at any point in time.

Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.

Making any changes that could result in reduced services to participants.

Specify the transition plan for the waiver:

Financial Management Services (FMS) are eliminated as a waiver service for waiver year five. However, FMS are available to participants as an administrative activity as described in Appendix E. The sole provider of FMS currently available under the waiver is also contracted to provide FMS as an administrative activity. Therefore, the FMS available to waiver participants have not been eliminated, reduced, limited, or altered by this amendment application.

Adult day services as currently offered under the health model have been limited to a maximum of 8,320 15-minute units per service plan year, or the prorated equivalent of five days per week at eight hours per day. The Division does not anticipate any impact on current participants based on its current utilization and authorization data.

Adult day services to be offered under the social model have been limited to a maximum of 4,992 15-minute units per service plan year, or the prorated equivalent of three days per week at eight hours per day. No waiver participants currently receive this service under the expanded definition. Therefore, no transition plan is required.

The number of unduplicated participants (Factor C) was decreased to reflect updated enrollment trends. The Division does not maintain a waiting list and does not anticipate any restrictions on enrollment of eligible participants in the waiver period.

Participants whose services are denied or reduced as a result of these changes are provided with a Notice of Adverse Action in accordance with Chapter 4 of the Rules and Regulations for Medicaid. The Notice of Adverse Action informs the participant of the opportunity to request a fair hearing and includes:

- An explanation of the individual's right to request a hearing;
- The methods and instructions for requesting a fair hearing;
- A description of the intended adverse action;
- The effective date of the adverse action;
- The reason(s) for the intended action;
- The specific regulations or changes in federal/state law that require the adverse action; and
- Where applicable, an explanation of the circumstances under which benefits may be continued if a hearing is requested pursuant to 42 CFR §431.231.

Attachment #2: Home and Community-Based Settings Waiver Transition Plan

Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

Consult with CMS for instructions before completing this item. This field describes the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones.

To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of the statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required.

Note that Appendix C-5 HCB Settings describes settings that do not require transition; the settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.

Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB settings transition process for this waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.

The state assures compliance with the State of Wyoming's Statewide Transition Plan for Home and Community-Based Settings approved on June 29, 2018. All required changes will be implemented by the end of the transition period on March 17, 2022.

The Division assures that this waiver will be subject to any provisions or requirements in the approved home and community-based settings Statewide Transition Plan. The Division will implement any required changes by the end of the transition period as outlined in the home and community based settings Statewide Transition Plan.

Additional Needed Information (Optional)

Provide additional needed information for the waiver (optional):

Appendix A: Waiver Administration and Operation

1. State Line of Authority for Waiver Operation. Specify the state line of authority for the operation of the waiver (*select one*):

The waiver is operated by the state Medicaid agency.

Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program (*select one*):

The Medical Assistance Unit.

Specify the unit name:

Wyoming Department of Health, Division of Healthcare Financing

(Do not complete item A-2)

Another division/unit within the state Medicaid agency that is separate from the Medical Assistance Unit.

Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been identified as the Single State Medicaid Agency.

(Complete item A-2-a).

The waiver is operated by a separate agency of the state that is not a division/unit of the Medicaid agency.

Specify the division/unit name:

In accordance with 42 CFR §431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. (Complete item A-2-b).

Appendix A: Waiver Administration and Operation

2. Oversight of Performance.

a. Medicaid Director Oversight of Performance When the Waiver is Operated by another Division/Unit within the State Medicaid Agency. When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c) the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:

As indicated in section 1 of this appendix, the waiver is not operated by another division/unit within the State Medicaid agency. Thus this section does not need to be completed.

b. Medicaid Agency Oversight of Operating Agency Performance. When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver

operational and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:

As indicated in section 1 of this appendix, the waiver is not operated by a separate agency of the State. Thus this section does not need to be completed.

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Appendix A: Waiver Administration and Operation

3. Use of Contracted Entities. Specify whether contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (*select one*):

Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).

Specify the types of contracted entities and briefly describe the functions that they perform. *Complete Items A-5 and A-6.:*

The Wyoming Department of Health, Division of Healthcare Financing (the Division) delegates the following waiver operational and administrative functions to other public or private entities:

Level of Care Evaluation

The Division maintains a memorandum of understanding (MOU) with the Wyoming Department of Health, Public Health Division to conduct level of care evaluations. The Public Health Division oversees a statewide network of Public Health Nursing County Offices. Public health nurses from the county offices conduct the level of care evaluations and submit evaluation data through the Division's case management information system. The Division establishes the level of care evaluation criteria and retains the authority to make final level of care determinations.

Prior Authorization of Waiver Services

The Division contracts with a Quality Improvement Organization (QIO) for the review of necessity for skilled nursing services before they are authorized or delivered. Prior authorization reviews facilitate coordination and minimize the duplication of Medicaid benefits to ensure the most effective use of public resources. A registered nurse conducts a peer review of the skilled nursing care plan to ensure those services are authorized:

- Within the scope and limitations of the skilled nursing services benefit;
- According to the assessed needs of the waiver participant;
- Consistent with the practice of nursing as defined by the Wyoming Nurse Practice Act;
- In such a manner that does not duplicate other services provided under the waiver program or the Medicaid State Plan.

Qualified Provider Enrollment

The Division contracts with a private corporation to act as its Fiscal Agent and to maintain the Medicaid Management Information System (MMIS), process provider claims for reimbursement, maintain a call center, respond to provider questions and complaints, produce reports, and assist in the provider enrollment/application process. In performance of its delegated provider enrollment functions, the contractor:

- Processes all provider enrollment applications through an online portal;
- Conducts an initial screening of provider qualifications;
- Searches the List of Excluded Individuals/Entities (LEIE) to verify that the applicant/provider is not excluded from participation in Federally-funded healthcare programs by the US Department of Health and Human Services, Office of Inspector General (OIG);
- Obtains confirmation from the Division that the applicant/provider meets all applicable provider qualifications as specified in the waiver application;
- Notifies applicant/provider of approval/disapproval;
- Enrolls approved providers in the MMIS; and
- Maintains documentation of executed Medicaid Provider Agreements.

The Division maintains a MOU with the Wyoming Department of Health, Aging Division to conduct initial and periodic reviews to verify that waiver service providers maintain compliance with applicable provider qualification standards. This includes onsite inspections and complaint investigations for providers of certain waiver services.

The Division contracts with a private corporation to act as its Financial Management Services (FMS) agency to support the employers of record for participant-directed waiver services by performing financial administrative activities such as withholding taxes and processing payroll. In performance of its delegated provider enrollment functions, the FMS verifies provider qualifications, conducts background investigations, and facilitates provider enrollment.

Quality Assurance and Quality Improvement Activities

The Division contracts with a QIO to conduct peer reviews of the level of care evaluations performed by the Public Health Nursing County Offices. Registered nurses review a representative sample of evaluations to determine whether the level of care evaluation processes and instruments were applied appropriately. The contractor's detailed findings and any recommendations for improving the quality and/or statewide consistency in the application of the level of care evaluation criteria are compiled into an annual report submitted to the Division. Additionally, registered nurses conduct a peer reviews of level of care evaluations disputed by the participant/applicant as part of a reconsideration request or request for fair hearing.

No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).

Appendix A: Waiver Administration and Operation

4. Role of Local/Regional Non-State Entities. Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (*Select One*):

Not applicable

Applicable - Local/regional non-state agencies perform waiver operational and administrative functions.

Check each that applies:

Local/Regional non-state public agencies perform waiver operational and administrative functions at the local or regional level. There is an **interagency agreement or memorandum of understanding** between the State and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency.

Specify the nature of these agencies and complete items A-5 and A-6:

Local/Regional non-governmental non-state entities conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. The **contract(s)** under which private entities conduct waiver operational functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Specify the nature of these entities and complete items A-5 and A-6:

Appendix A: Waiver Administration and Operation

5. Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities. Specify the state agency or agencies responsible for assessing the performance of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:

The Wyoming Department of Health, Division of Healthcare Financing retains ultimate administrative authority and is responsible for assessing the performance of other public and private entities in conducting delegated waiver operational and administrative functions.

Appendix A: Waiver Administration and Operation

6. Assessment Methods and Frequency. Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities is assessed:

Contracts, memoranda of understanding (MOUs), letters of agreement (LOAs), interagency agreements (IAs), Medicaid provider agreements, or other forms or written agreement are used to document the assignment and delegation of any waiver operational or administrative function to another public or private entity in accordance with state procurement and contracting policies. Once executed, each agreement is assigned to a Division staff member with the primary responsibility for its maintenance and oversight.

Division staff ensure compliance with the provisions of the written agreement and assess the performance of delegated functions through ongoing and periodic monitoring activities such as the review and acceptance of reports/deliverables, on-site/desk audits, data analyses, regular status meetings, and documentation reviews as specified in the written agreement.

The performance of each public/private entity is assessed at least annually but may be assessed more frequently in accordance state and federal regulatory standards or as specified in the written agreement.

Appendix A: Waiver Administration and Operation

7. Distribution of Waiver Operational and Administrative Functions. In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (*check each that applies*):

In accordance with 42 CFR §431.10, when the Medicaid agency does not directly conduct a function, it supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency. *Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.*

Function	Medicaid Agency	Contracted Entity
Participant waiver enrollment		
Waiver enrollment managed against approved limits		
Waiver expenditures managed against approved levels		
Level of care evaluation		
Review of Participant service plans		
Prior authorization of waiver services		
Utilization management		
Qualified provider enrollment		
Execution of Medicaid provider agreements		
Establishment of a statewide rate methodology		
Rules, policies, procedures and information development governing the waiver program		
Quality assurance and quality improvement activities		

Appendix A: Waiver Administration and Operation

Quality Improvement: Administrative Authority of the Single State Medicaid Agency

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Administrative Authority

The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state

agencies (if appropriate) and contracted entities.

i. Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Performance measures for administrative authority should not duplicate measures found in other appendices of the waiver application. As necessary and applicable, performance measures should focus on:

- Uniformity of development/execution of provider agreements throughout all geographic areas covered by the waiver
- Equitable distribution of waiver openings in all geographic areas covered by the waiver
- Compliance with HCB settings requirements and other new regulatory components (for waiver actions submitted on or after March 17, 2014)

Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percentage of Financial Management Services (FMS) agency on-site quarterly performance reviews in which there were no deficiencies or the deficiencies were corrected or a corrective action plan is accepted within 30 days. Numerator: On-site performance reviews without deficiency or with timely remediation. Denominator: On-site performance reviews conducted.

Data Source (Select one):

On-site observations, interviews, monitoring

If 'Other' is selected, specify:

Responsible Party for data collection/generation(check each that applies):	Frequency of data collection/generation(check each that applies):	Sampling Approach(check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and	Other

	Ongoing	Specify: <div></div>
	Other Specify: <div></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

Performance Measure:

Percentage of annual Fiscal Agent Security Operations Center (SOC) audits in which there were no deficiencies or the deficiencies were corrected or a corrective action plan is accepted within 30 days. Numerator: SOC audits without deficiency or with timely remediation. Denominator: SOC audits conducted.

Data Source (Select one):

Reports to State Medicaid Agency on delegated Administrative functions

If 'Other' is selected, specify:

Responsible Party for data collection/generation (<i>check each that applies</i>):	Frequency of data collection/generation (<i>check each that applies</i>):	Sampling Approach (<i>check each that applies</i>):
State Medicaid Agency	Weekly	100% Review

Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text" value="Independent auditor contracted by the MMIS vendor"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):

Performance Measure:

Percentage of monthly Prior Authorization and Quality Improvement Organization contractor reports submitted in which there were no deficiencies or the deficiencies were corrected or a corrective action plan is accepted within 30 days. Numerator: Monthly reports submitted without deficiency or with timely remediation. Denominator: Monthly reports submitted.

Data Source (Select one):**Reports to State Medicaid Agency on delegated Administrative functions**

If 'Other' is selected, specify:

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	Annually
	Continuously and Ongoing
	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

Individual deficiencies identified through the Division's regular monitoring activities or through the waiver performance measures are remediated by Division staff through the provision of technical assistance, the imposition of a corrective action or sanction, and/or the enforcement of contract service level agreements.

In accordance with CMS guidance issued March 12, 2014, any performance measure with less than an 86% success rate warrants further analysis to determine the cause. The Division conducts a root cause analysis to identify contributing factors and determine underlying causes of deficiency for any measure with less than an 86% success rate. Based upon the findings of the root cause analysis, the Division may initiate a Quality Improvement Project (QIP). The QIP includes, at minimum:

- A description of remedial actions to be taken (e.g. training, revised policies/procedures, additional staff, different staffing patterns, provider/vendor corrective action);
- A timeline of remedial actions to be taken;
- The individuals responsible for effectuating remedial actions; and,
- The frequency with which performance/compliance is measured.

The HCBS Quality Improvement Committee assures accountability to the Division's stakeholders and provides oversight of quality improvement activities, including regular monitoring of QIP effectiveness.

ii. Remediation Data Aggregation**Remediation-related Data Aggregation and Analysis (including trend identification)**

Responsible Party(<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Administrative Authority that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Administrative Authority, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix B: Participant Access and Eligibility

B-1: Specification of the Waiver Target Group(s)

- a. Target Group(s).** Under the waiver of Section 1902(a)(10)(B) of the Act, the state limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. *In accordance with 42 CFR §441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age			
				Maximum Age Limit		No Maximum Age Limit	
Aged or Disabled, or Both - General							
		Aged		65			
		Disabled (Physical)					
		Disabled (Other)		19		64	
Aged or Disabled, or Both - Specific Recognized Subgroups							
		Brain Injury					

Target Group	Included	Target SubGroup	Minimum Age	Maximum Age	
				Maximum Age Limit	No Maximum Age Limit
		HIV/AIDS			
		Medically Fragile			
		Technology Dependent			
Intellectual Disability or Developmental Disability, or Both					
		Autism			
		Developmental Disability			
		Intellectual Disability			
Mental Illness					
		Mental Illness			
		Serious Emotional Disturbance			

b. Additional Criteria. The state further specifies its target group(s) as follows:

Disability is demonstrated through a disability determination by the Social Security Administration (SSA) or by the Department or its agent using SSA determination criteria.

c. Transition of Individuals Affected by Maximum Age Limitation. When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (*select one*):

Not applicable. There is no maximum age limit

The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.

Specify:

Individuals served by the waiver under the disability target subgroup transition without interruption to the aged target subgroup upon their 65th birthday.

Appendix B: Participant Access and Eligibility

B-2: Individual Cost Limit (1 of 2)

a. Individual Cost Limit. The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (*select one*). Please note that a state may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:

No Cost Limit. The state does not apply an individual cost limit. *Do not complete Item B-2-b or item B-2-c.*

Cost Limit in Excess of Institutional Costs. The state refuses entrance to the waiver to any otherwise eligible individual when the state reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the state. *Complete Items B-2-b and B-2-c.*

The limit specified by the state is (*select one*)

A level higher than 100% of the institutional average.

Specify the percentage:

Other

Specify:

Institutional Cost Limit. Pursuant to 42 CFR 441.301(a)(3), the state refuses entrance to the waiver to any otherwise eligible individual when the state reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. *Complete Items B-2-b and B-2-c.*

Cost Limit Lower Than Institutional Costs. The state refuses entrance to the waiver to any otherwise qualified individual when the state reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the state that is less than the cost of a level of care specified for the waiver.

Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.

The cost limit specified by the state is (*select one*):

The following dollar amount:

Specify dollar amount:

The dollar amount (*select one*)

Is adjusted each year that the waiver is in effect by applying the following formula:

Specify the formula:

May be adjusted during the period the waiver is in effect. The state will submit a waiver amendment to CMS to adjust the dollar amount.

The following percentage that is less than 100% of the institutional average:

Specify percent:

Other:

Specify:

Appendix B: Participant Access and Eligibility**B-2: Individual Cost Limit (2 of 2)**

Answers provided in Appendix B-2-a indicate that you do not need to complete this section.

- b. Method of Implementation of the Individual Cost Limit.** When an individual cost limit is specified in Item B-2-a, specify the procedures that are followed to determine in advance of waiver entrance that the individual's health and welfare can be assured within the cost limit:

- c. Participant Safeguards.** When the state specifies an individual cost limit in Item B-2-a and there is a change in the participant's condition or circumstances post-entrance to the waiver that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant's health and welfare, the state has established the following safeguards to avoid an adverse impact on the participant (*check each that applies*):

The participant is referred to another waiver that can accommodate the individual's needs.

Additional services in excess of the individual cost limit may be authorized.

Specify the procedures for authorizing additional services, including the amount that may be authorized:

Other safeguard(s)

Specify:

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (1 of 4)

- a. Unduplicated Number of Participants.** The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The state will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

Table: B-3-a

Waiver Year	Unduplicated Number of Participants
Year 1	2324
Year 2	2631
Year 3	2870
Year 4	2916
Year 5	3143

- b. Limitation on the Number of Participants Served at Any Point in Time.** Consistent with the unduplicated number of participants specified in Item B-3-a, the state may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the state limits the number of participants in this way: (*select one*) :

The state does not limit the number of participants that it serves at any point in time during a waiver year.

The state limits the number of participants that it serves at any point in time during a waiver year.

The limit that applies to each year of the waiver period is specified in the following table:

Table: B-3-b

Waiver Year	Maximum Number of Participants Served At Any Point During the Year
Year 1	<input type="text"/>
Year 2	<input type="text"/>
Year 3	<input type="text"/>
Year 4	<input type="text"/>
Year 5	<input type="text"/>

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (2 of 4)

c. Reserved Waiver Capacity. The state may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The State (*select one*):

Not applicable. The state does not reserve capacity.

The state reserves capacity for the following purpose(s).

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (3 of 4)

d. Scheduled Phase-In or Phase-Out. Within a waiver year, the state may make the number of participants who are served subject to a phase-in or phase-out schedule (*select one*):

The waiver is not subject to a phase-in or a phase-out schedule.

The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.

e. Allocation of Waiver Capacity.

Select one:

Waiver capacity is allocated/managed on a statewide basis.

Waiver capacity is allocated to local/regional non-state entities.

Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:

f. Selection of Entrants to the Waiver. Specify the policies that apply to the selection of individuals for entrance to the waiver:

Participants are enrolled chronologically based on the date of eligibility determination.

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served - Attachment #1 (4 of 4)

Waiver Phase-In/Phase-Out Schedule

Based on Waiver Proposed Effective Date: 07/01/16

a. The waiver is being (select one):

Phased-in

Phased-out

b. Phase-In/Phase-Out Time Schedule. Complete the following table:

Beginning (base) number of Participants: 182

Phase-In/Phase-Out Schedule

Waiver Year 1 Unduplicated Number of Participants: 2324			
Month	Base Number of Participants	Change	Participant Limit
Jul	182	0	182
Aug	182	0	182
Sep	182	16	198
Oct	198	13	211
Nov	211	21	232
Dec	232	9	241
Jan	241	4	245
Feb	245	14	259
Mar	259	14	273
Apr	273	19	292
May	292	12	304
Jun	304	60	364

Waiver Year 2 Unduplicated Number of Participants: 2631			
Month	Base Number of Participants	Change	Participant Limit
Jul	364	0	364
Aug	364	0	364
Sep	364	0	364
Oct	364	0	364
Nov	364	0	364
Dec	364	0	364
Jan	364	0	364
Feb	364	0	364
Mar	364	0	364
Apr	364	0	364
May	364	0	364
Jun	364	0	364

Waiver Year 3			
Month	Base Number of Participants	Change	Participant Limit
Jul	364	0	364
Aug	364	0	364
Sep	364	0	364
Oct	364	0	364

Waiver Year 4 Unduplicated Number of Participants: 2916			
Month	Base Number of Participants	Change	Participant Limit
Jul	364	0	364
Aug	364	0	364
Sep	364	0	364
Oct	364	0	364

Phase-In/Phase-Out Schedule

Month	Base Number of Participants	Change	Participant Limit
Nov	364	0	364
Dec	364	0	364
Jan	364	0	364
Feb	364	0	364
Mar	364	0	364
Apr	364	0	364
May	364	0	364
Jun	364	0	364

Month	Base Number of Participants	Change	Participant Limit
Nov	364	0	364
Dec	364	0	364
Jan	364	0	364
Feb	364	0	364
Mar	364	0	364
Apr	364	0	364
May	364	0	364
Jun	364	0	364

Waiver Year 5

Unduplicated Number of Participants: 3143

Month	Base Number of Participants	Change	Participant Limit
Jul	364	0	364
Aug	364	0	364
Sep	364	0	364
Oct	364	0	364
Nov	364	0	364
Dec	364	0	364
Jan	364	0	364
Feb	364	0	364
Mar	364	0	364
Apr	364	0	364
May	364	0	364
Jun	364	0	364

c. Waiver Years Subject to Phase-In/Phase-Out Schedule

Year One	Year Two	Year Three	Year Four	Year Five

d. Phase-In/Phase-Out Time Period

	Month	Waiver Year
Waiver Year: First Calendar Month	Jul	
Phase-in/Phase-out begins	Sep	1
Phase-in/Phase-out ends	Jun	1

Appendix B: Participant Access and Eligibility**B-4: Eligibility Groups Served in the Waiver**

- a. **1. State Classification.** The state is a (*select one*):

§1634 State

SSI Criteria State

209(b) State

2. Miller Trust State.

Indicate whether the state is a Miller Trust State (*select one*):

No

Yes

b. Medicaid Eligibility Groups Served in the Waiver. Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the state plan. The state applies all applicable federal financial participation limits under the plan. *Check all that apply:*

Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR §435.217)

Low income families with children as provided in §1931 of the Act

SSI recipients

Aged, blind or disabled in 209(b) states who are eligible under 42 CFR §435.121

Optional state supplement recipients

Optional categorically needy aged and/or disabled individuals who have income at:

Select one:

100% of the Federal poverty level (FPL)

% of FPL, which is lower than 100% of FPL.

Specify percentage:

Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in §1902(a)(10)(A)(ii)(XIII) of the Act)

Working individuals with disabilities who buy into Medicaid (TWWIA Basic Coverage Group as provided in §1902(a)(10)(A)(ii)(XV) of the Act)

Working individuals with disabilities who buy into Medicaid (TWWIA Medical Improvement Coverage Group as provided in §1902(a)(10)(A)(ii)(XVI) of the Act)

Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in §1902(e)(3) of the Act)

Medically needy in 209(b) States (42 CFR §435.330)

Medically needy in 1634 States and SSI Criteria States (42 CFR §435.320, §435.322 and §435.324)

Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the state plan that may receive services under this waiver)

Specify:

Populations outlined at 42 CFR 435.110

Special home and community-based waiver group under 42 CFR §435.217 Note: When the special home and community-based waiver group under 42 CFR §435.217 is included, Appendix B-5 must be completed

No. The state does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217. Appendix B-5 is not submitted.

Yes. The state furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217.

Select one and complete Appendix B-5.

All individuals in the special home and community-based waiver group under 42 CFR §435.217

Only the following groups of individuals in the special home and community-based waiver group under 42 CFR §435.217

Check each that applies:

A special income level equal to:

Select one:

300% of the SSI Federal Benefit Rate (FBR)

A percentage of FBR, which is lower than 300% (42 CFR §435.236)

Specify percentage:

A dollar amount which is lower than 300%.

Specify dollar amount:

Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR §435.121)

Medically needy without spend down in states which also provide Medicaid to recipients of SSI (42 CFR §435.320, §435.322 and §435.324)

Medically needy without spend down in 209(b) States (42 CFR §435.330)

Aged and disabled individuals who have income at:

Select one:

100% of FPL

% of FPL, which is lower than 100%.

Specify percentage amount:

Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the state plan that may receive services under this waiver)

Specify:

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (1 of 7)

In accordance with 42 CFR §441.303(e), Appendix B-5 must be completed when the state furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR §435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR §435.217 group.

a. Use of Spousal Impoverishment Rules. Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR §435.217:

Note: For the period beginning January 1, 2014 and extending through September 30, 2019 (or other date as required by law), the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR §435.217 group effective at any point during this time period.

Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the state uses *spousal* post-eligibility rules under §1924 of the Act.

Complete Items B-5-e (if the selection for B-4-a-i is SSI State or §1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time periods before January 1, 2014 or after September 30, 2019 (or other date as required by law).

Note: The following selections apply for the time periods before January 1, 2014 or after September 30, 2019 (or other date as required by law) (select one).

Spousal impoverishment rules under §1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.

In the case of a participant with a community spouse, the state elects to (*select one*):

Use spousal post-eligibility rules under §1924 of the Act.

(Complete Item B-5-b (SSI State) and Item B-5-d)

Use regular post-eligibility rules under 42 CFR §435.726 (SSI State) or under §435.735 (209b State)

(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

Spousal impoverishment rules under §1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The state uses regular post-eligibility rules for individuals with a community spouse.

(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (2 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

b. Regular Post-Eligibility Treatment of Income: SSI State.

The state uses the post-eligibility rules at 42 CFR 435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in §1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:

i. Allowance for the needs of the waiver participant (*select one*):

The following standard included under the state plan

Select one:

SSI standard

Optional state supplement standard

Medically needy income standard

The special income level for institutionalized persons

(select one):

300% of the SSI Federal Benefit Rate (FBR)

A percentage of the FBR, which is less than 300%

Specify the percentage:

A dollar amount which is less than 300%.

Specify dollar amount:

A percentage of the Federal poverty level

Specify percentage:

Other standard included under the state Plan

Specify:

The following dollar amount

Specify dollar amount: If this amount changes, this item will be revised.

The following formula is used to determine the needs allowance:

Specify:

Other

Specify:

ii. Allowance for the spouse only (select one):

Not Applicable

The state provides an allowance for a spouse who does not meet the definition of a community spouse in §1924 of the Act. Describe the circumstances under which this allowance is provided:

Specify:

Specify the amount of the allowance (select one):

SSI standard

Optional state supplement standard

Medically needy income standard

The following dollar amount:

Specify dollar amount: If this amount changes, this item will be revised.

The amount is determined using the following formula:

Specify:

iii. Allowance for the family (select one):

Not Applicable (see instructions)

AFDC need standard

Medically needy income standard

The following dollar amount:

Specify dollar amount: The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the state's approved AFDC plan or the medically needy income standard established under 42 CFR §435.811 for a family of the same size. If this amount changes, this item will be revised.

The amount is determined using the following formula:

Specify:

Other

Specify:

iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 §CFR 435.726:

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

Not Applicable (see instructions)*Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

The state does not establish reasonable limits.

The state establishes the following reasonable limits

Specify:

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (3 of 7)

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

c. Regular Post-Eligibility Treatment of Income: 209(B) State.

Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

Note: The following selections apply for the time periods before January 1, 2014 or after December 31, 2018.

d. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules

The state uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility under §1924 of the Act. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the state Medicaid Plan. The state must also protect amounts for incurred expenses for medical or remedial care (as specified below).

i. Allowance for the personal needs of the waiver participant

(select one):

SSI standard

Optional state supplement standard

Medically needy income standard

The special income level for institutionalized persons

A percentage of the Federal poverty level

Specify percentage:

The following dollar amount:

Specify dollar amount: If this amount changes, this item will be revised

The following formula is used to determine the needs allowance:

Specify formula:

Other

Specify:

ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual's maintenance allowance under 42 CFR §435.726 or 42 CFR §435.735, explain why this amount is reasonable to meet the individual's maintenance needs in the community.

Select one:

Allowance is the same

Allowance is different.

Explanation of difference:

iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR §435.726:

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

Not Applicable (see instructions)*Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

The state does not establish reasonable limits.

The state uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (5 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

e. Regular Post-Eligibility Treatment of Income: §1634 State - 2014 through 2018.

Answers provided in Appendix B-5-a indicate the selections in B-5-b also apply to B-5-e.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (6 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

f. Regular Post-Eligibility Treatment of Income: 209(B) State - 2014 through 2018.

Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.

Appendix B: Participant Access and Eligibility

B-5: Post-Eligibility Treatment of Income (7 of 7)

Note: The following selections apply for the five-year period beginning January 1, 2014.

g. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules - 2014 through 2018.

The state uses the post-eligibility rules of §1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the state Medicaid Plan. The state must also protect amounts for incurred expenses for medical or remedial care (as specified below).

Answers provided in Appendix B-5-a indicate the selections in B-5-d also apply to B-5-g.

Appendix B: Participant Access and Eligibility

B-6: Evaluation/Reevaluation of Level of Care

As specified in 42 CFR §441.302(c), the state provides for an evaluation (and periodic reevaluations) of the need for the level(s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.

- a. Reasonable Indication of Need for Services.** In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the

provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the state's policies concerning the reasonable indication of the need for services:

i. Minimum number of services.

The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is:

ii. Frequency of services. The state requires (select one):

The provision of waiver services at least monthly

Monthly monitoring of the individual when services are furnished on a less than monthly basis

If the state also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:

b. Responsibility for Performing Evaluations and Reevaluations. Level of care evaluations and reevaluations are performed (*select one*):

Directly by the Medicaid agency

By the operating agency specified in Appendix A

By a government agency under contract with the Medicaid agency.

Specify the entity:

Other

Specify:

c. Qualifications of Individuals Performing Initial Evaluation: Per 42 CFR §441.303(c)(1), specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:

d. Level of Care Criteria. Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the state's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized.

The LT101 Level of Care Assessment instrument was developed by the Division to establish standardized methods for measuring the applicant/participant's level of functional impairment and to ensure the statewide consistency in the level of care evaluation process. The information obtained using the LT101 Level of Care Assessment instrument is used in the Division's determination of whether an applicant/participant requires, or continues to require, the services or level of care typically provided in a nursing facility. The Division has established a minimum total score necessary to demonstrate the applicant/participant's need for the nursing facility level of care, and this determination is used in the consideration of eligibility for certain Wyoming Medicaid long-term care programs and services.

The LT101 Level of Care Assessment instrument is designed to evaluate an applicant/participant's current functional capacity across 13 domains and measure the "burden of care," or how much assistance the applicant/participant needs in performing Activities of Daily Living (ADLs), Instrumental Activities of Daily Living (IADLs), and social and cognitive activities. The 13 domains included in the assessment are:

ADLs

- Eating
- Bathing
- Grooming
- Dressing
- Toileting
- Functional Mobility

IADLs

- Meal Preparation
- Medication Management

Social and Cognitive Activities

- Social Interaction
- Comprehension
- Expression
- Problem Solving
- Memory

The applicant/participant's level of assistance needed is scored using the following zero to four scale:

0 = Independent: The applicant/participant is independent in completing activity safely without modification, assistive devices, or aids.

1 = Modified Independent: The applicant/participant is able to complete the activity independently with the use of adaptive equipment or light cueing.

2 = Supervision/Setup: The applicant/participant requires another person to provide routine setup assistance in preparation for the activity or requires the presence of another person throughout the activity to provide supervision for safety, cueing, or other stand-by assistance.

3 = Moderate Assistance: The applicant/participant requires the presence of another person throughout the activity to provide hands-on assistance.

4 = Dependent: The applicant/participant is dependent on another person to complete the activity and can contribute little or no effort on his or her own.

In scoring the level of assistance needed, a variety of data sources are considered (e.g. direct observations, individual self-reports, caregiver reports, case manager/service provider reports, and medical chart reviews). The evaluator uses professional and clinical judgement in assessing the level of assistance needed for each domain. The evaluator summarizes the scoring rationale and documents information gathered in support of that assessment in the Division's case management information system.

- e. **Level of Care Instrument(s).** Per 42 CFR §441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (*select one*):

The same instrument is used in determining the level of care for the waiver and for institutional care under the state Plan.

A different instrument is used to determine the level of care for the waiver than for institutional care under the state plan.

Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.

- f. Process for Level of Care Evaluation/Reevaluation:** Per 42 CFR §441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:

Any individual, his/her legal guardian, or such person(s) authorized by a power of attorney may request a level of care determination. Employees or authorized representatives from a nursing facility, hospital, Program of All-Inclusive Care for the Elderly (PACE) organization, or any other such healthcare or social services provider may also request a level of care determination on behalf of any individual for which that agency has the responsibility for the provision or coordination of healthcare services. Requests are entered into the Division's case management information system, matched to an application for or enrollment in a Medicaid long-term care program or service which requires a level of care evaluation/reevaluation, and screened for completeness and a reasonable indication of need for long-term care supports.

The Division submits an electronic referral to the Public Health Nursing County Office, serving the applicant/participant's county of residence or the county in which the applicant/participant is temporarily located. The Public Health Nursing County Office contacts the applicant/participant to schedule an appointment to conduct the evaluation/reevaluation. A registered nurse trained on the administration of the LT101 Level of Care Assessment instrument conducts the evaluation/reevaluation and submits the evaluation data through the Division's case management information system. The evaluation/reevaluation is typically conducted in the applicant/participant's residence, temporary residence, or the healthcare facility to which the applicant/participant has been admitted. The evaluation/reevaluation may be conducted in alternate location when justified by extenuating circumstances, such as homelessness.

The Division's case management information system applies the logic and scoring criteria established by the Division and returns a determination of whether the applicant/participant meets the nursing facility level of care. Applicants/participants determined not to require the nursing facility level of care are provided with a notice of their right to request a reconsideration and/or a fair hearing in accordance with the processes described in Appendix F of the waiver application.

- g. Reevaluation Schedule.** Per 42 CFR §441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (*select one*):

Every three months

Every six months

Every twelve months

Other schedule

Specify the other schedule:

- h. Qualifications of Individuals Who Perform Reevaluations.** Specify the qualifications of individuals who perform reevaluations (*select one*):

The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.

The qualifications are different.

Specify the qualifications:

- i. Procedures to Ensure Timely Reevaluations.** Per 42 CFR §441.303(c)(4), specify the procedures that the state employs to ensure timely reevaluations of level of care (*specify*):

The Division's case management information system automatically generates a reevaluation referral to the Public Health Nursing County Offices for active waiver participants 60 days prior to the expiration of the annual service plan. Reevaluation timeliness is monitored by Division staff, the Public Health Nursing County Offices, and the Public Health Division through automated alerts, task lists, and reports generated by the Division's case management information system. Division staff follow up on outstanding/overdue reevaluations with the Public Health Nursing County Offices and/or the Public Health Division and require justification for any evaluations completed outside of the Division's established timelines.

- j. Maintenance of Evaluation/Reevaluation Records.** Per 42 CFR §441.303(c)(3), the state assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR §92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:

Level of care evaluation/reevaluation records are maintained in the Division's case management information system for a minimum of 6 years.

Appendix B: Evaluation/Reevaluation of Level of Care

Quality Improvement: Level of Care

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Level of Care Assurance/Sub-assurances

The state demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with level of care provided in a hospital, NF or ICF/IID.

i. Sub-Assurances:

- a. Sub-assurance:** *An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

The percentage of applicants for whom there is a reasonable indication of need who received an evaluation for level of care (LOC). Numerator: Applicants with reasonable indication of need who were evaluated. Denominator: Applicants with a reasonable indication of need.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Case management information system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	Continuously and Ongoing	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify:	Annually

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="text"/>	
	Continuously and Ongoing
	Other Specify: <input type="text"/>

- b. Sub-assurance: The levels of care of enrolled participants are reevaluated at least annually or as specified in the approved waiver.**

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Pursuant to CMS guidance issued March 12, 2014, reporting on this subassurance is no longer required

Data Source (Select one):

Other

If 'Other' is selected, specify:

N/A

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval =

		<input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

c. Sub-assurance: *The processes and instruments described in the approved waiver are applied appropriately and according to the approved description to determine participant level of care.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percentage of level of care (LOC) evaluations in a representative sample which were conducted according to the processes described in the approved waiver. Numerator: LOC evaluations in the sample which were conducted according to the processes described in the approved waiver. **Denominator:** Total LOC evaluations in the sample.

Data Source (Select one):

Reports to State Medicaid Agency on delegated Administrative functions

If 'Other' is selected, specify:

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 2px; width: fit-content;">95% with 5% MOE</div>
Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	Annually	Stratified Describe Group:

		Stratified by county, according to proportion of total evals. completed within performance period. Evals. included in sample selected randomly from universe of evals. conducted within each county.
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):

Performance Measure:**Percentage of level of care (LOC) evaluations conducted within Division timelines.****Numerator: Number of LOC evaluations conducted within Division timelines.****Denominator: Total LOC evaluations conducted.****Data Source** (Select one):**Other**

If 'Other' is selected, specify:

Case management information system

Responsible Party for data collection/generation (<i>check each that applies</i>):	Frequency of data collection/generation (<i>check each that applies</i>):	Sampling Approach (<i>check each that applies</i>):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify:	

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Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

Individual deficiencies identified through regular monitoring activities or through waiver performance measures are remediated by the Division staff through the provision of technical assistance, the imposition of a corrective action or sanction, and/or the enforcement of contract service level agreements.

In accordance with CMS guidance issued March 12, 2014, any performance measure with less than an 86% success rate warrants further analysis to determine the cause. The Division conducts a root cause analysis to identify contributing factors and determine underlying causes of deficiency for any measure with less than an 86% success rate. Based upon the findings of the root cause analysis, the Division may initiate a Quality Improvement Project (QIP). The QIP includes, at minimum:

- A description of remedial actions to be taken (e.g. training, revised policies/procedures, additional staff, different staffing patterns, provider/vendor corrective action);
- A timeline of remedial actions to be taken;
- The individuals responsible for effectuating remedial actions; and,
- The frequency with which performance/compliance is measured.

The HCBS Quality Improvement Committee assures accountability to the Division's stakeholders and provides oversight of quality improvement activities, including regular monitoring of QIP effectiveness.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Level of Care, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Freedom of Choice. As provided in 42 CFR §441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:

- i. informed of any feasible alternatives under the waiver; and
- ii. given the choice of either institutional or home and community-based services.

a. Procedures. Specify the state's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Case managers provide options counseling on all feasible alternatives and document the participant's (and/or legal representative's, as appropriate) choices in the person-centered service plan. The person-centered service plan includes an explanation of the participant's rights and responsibilities, including their rights to exercise freedom of choice among feasible alternatives available under the waiver and to choose institutional services. The person-centered service plan is agreed to with the informed consent of the participant and signed by all individuals and providers responsible for its implementation.

b. Maintenance of Forms. Per 45 CFR §92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.

The person-centered service plan, including documentation of the participant's freedom of choice, is maintained in the Division's case management information system for a minimum of six years.

Appendix B: Participant Access and Eligibility

B-8: Access to Services by Limited English Proficiency Persons

Access to Services by Limited English Proficient Persons. Specify the methods that the state uses to provide meaningful access to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):

Individuals with limited English language proficiency are not denied access to waiver services. The Division maintains a contract with a translation and interpretation provider. The provider offers translation services for documents and telephonic interpretation services in over 160 languages. Case managers assist applicants/participants with limited English language proficiency in accessing the telephonic translation services to support enrollment and service plan development activities, free of charge.

Appendix C: Participant Services

C-1: Summary of Services Covered (1 of 2)

a. Waiver Services Summary. List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c:

Service Type	Service		
Statutory Service	Adult Day Services		
Statutory Service	Case Management		
Statutory Service	Home Health Aide		
Statutory Service	Personal Support Services		
Statutory Service	Respite		
Extended State Plan Service	Skilled Nursing		
Supports for Participant Direction	Financial Management Services		

Service Type	Service		
Other Service	Assisted Living Facility Services		
Other Service	Home-Delivered Meals		
Other Service	Non-Medical Transportation		
Other Service	Personal Emergency Response Systems (PERS)		

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Adult Day Health

Alternate Service Title (if any):

Adult Day Services

HCBS Taxonomy:

Category 1:

04 Day Services

Sub-Category 1:

04060 adult day services (social model)

Category 2:

04 Day Services

Sub-Category 2:

04050 adult day health

Category 3:

Sub-Category 3:

Service Definition (Scope):

Category 4:

Sub-Category 4:

Services generally furnished four or more hours per day on a regularly scheduled basis, for one or more days per week, or as specified in the service plan, in a non-institutional, community-based setting, which may encompass health and/or social services needed to ensure the optimal functioning of the participant. Meals provided as part of these services shall not constitute a full nutritional regimen. Adult day services may not be provided for purely diversional/recreational purposes.

Adult day (health model) services include group socialization and companionship, assistance with activities of daily living, and supervision as specified in a program plan. The program plan is individualized to the participant's assessed needs and includes realistic and measurable goals.

Adult day (social model) services include group socialization and companionship supports to participants at risk for isolation or loneliness. Only incidental assistance with activities of daily living may be provided.

Participant transportation costs are not associated with the provision of adult day services and must be billed separately.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Services are authorized by a case manager based on the participant's assessed needs. Adult day (social model) services are limited to a maximum of 4,992 15-minute units per service plan year, or the prorated equivalent of three days per week at eight hours per day. Adult Day (health model) services are limited to a maximum of 8,320 15-minute units per service plan year, or the prorated equivalent of five days per week at eight hours per day.

Service Delivery Method (*check each that applies*):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (*check each that applies*):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Adult Day Care Facility
Agency	Senior Center

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Adult Day Services

Provider Category:

Agency

Provider Type:

Adult Day Care Facility

Provider Qualifications

License (*specify*):

Adult Day Care Facility License granted by the Wyoming Department of Health, Division of Aging

Certificate (*specify*):

Other Standard (*specify*):

Adult day care facilities may provide both health and social models of adult day services.

Verification of Provider Qualifications

Entity Responsible for Verification:

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Adult Day Services

Provider Category:

Agency

Provider Type:

Senior Center

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Other Standard (*specify*):

A senior center approved by the Wyoming Department of Health, Aging Division to provide Title III-B Supportive Services under the Older Americans Act. Senior centers may provide only adult day (social model) services.

Verification of Provider Qualifications

Entity Responsible for Verification:

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:**Service:****Alternate Service Title (if any):****HCBS Taxonomy:****Category 1:****Sub-Category 1:****Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Service Definition (Scope):****Category 4:****Sub-Category 4:**

Services that assist participants in gaining access to needed waiver and other state plan services, as well as medical, social, educational and other services, regardless of the funding source for the services to which access is gained.

The assistance that case managers provide in assisting participants obtain services includes:

- (1) Comprehensive assessment and periodic reassessment of participant needs, to determine the need for any medical, educational, social, or other services.
- (2) Facilitation and oversight of the development (and periodic revision) of a person-centered service plan as described in Appendix D-1.
- (3) Service coordination, referral, and other related activities (such as scheduling appointments for the participant) to help the participant obtain needed services, including activities that help link the participant with medical, social, and educational providers or other programs and services that are capable of providing needed services to address the identified needs and achieve the goals specified in the service plan.
- (4) Service plan implementation, monitoring, and follow-up activities, including activities and contacts that are necessary to ensure that the service plan is effectively implemented and adequately addresses the needs of the participant. Contacts may be with the participant (and/or legal representative, as appropriate), family members, service providers, or other entities or individuals and are conducted as frequently as necessary in order to:
 - (i) Ensure services are being furnished in accordance with the participant's service plan;
 - (ii) Evaluate the effectiveness of the service plan in meeting the participant's needs;
 - (iii) Identify any changes in the participant's condition or circumstances;
 - (iv) Periodically screen for any potential risks or concerns;
 - (v) Periodically assess the participant's satisfaction with services and supports; and
 - (vi) Make any necessary adjustments in the service plan and service arrangements with providers.
- (5) Information and assistance in support of participant direction as necessary to:
 - (i) Inform participants of participant direction opportunities;
 - (ii) Ensure participants who express an interest in participant direction are informed of the potential benefits, liabilities, risks, and responsibilities associated with each service delivery option;
 - (iii) Determine whether participants meet the additional criteria for participant direction as described in Appendix E-1-d;
 - (iv) Assist the participant/designated employer of record in obtaining and completing required documents;
 - (v) Determine the participant's monthly budget allocation;
 - (vi) Coordinate with the Financial Management Services (FMS) agency; and
 - (vii) Monitor participant-directed service effectiveness, quality, and expenditures against the monthly budget allocation.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Service Delivery Method (*check each that applies*):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (*check each that applies*):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Case Management Agency

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Case Management

Provider Category:

Agency

Provider Type:

Case Management Agency

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Other Standard (*specify*):

Case management agencies must be a County Public Health Nursing Agency designated by the Wyoming Department of Health, Public Health Division; or a corporation, limited liability corporation, non-profit organization, sole proprietorship, or other business entity registered in good standing with the Wyoming Secretary of State.

Each case management agency must obtain and maintain a National Provider Identifier (NPI) number. Case management agencies must ensure all case managers meet the training, education, experience, and conflict of interest requirements as described in Appendix D-1-a of this application. Case management agencies must maintain adequate administrative and staffing resources and emergency backup systems to deliver case management services in accordance with all state and federal requirements.

Verification of Provider Qualifications

Entity Responsible for Verification:

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Home Health Aide

Alternate Service Title (if any):**HCBS Taxonomy:****Category 1:**

08 Home-Based Services

Sub-Category 1:

08020 home health aide

Category 2:**Sub-Category 2:****Category 3:****Sub-Category 3:****Service Definition (Scope):****Category 4:****Sub-Category 4:**

Part-time or intermittent assistance with personal care and other daily living needs which is within the scope of practice and required to be delivered by a Certified Nurse Aide (CNA) under the Wyoming Nurse Practice Act. Waiver home health aide services are provided in addition to the home health aide services as defined by 42 CFR §440.70 and furnished under the Wyoming Medicaid State Plan.

Home health aide services under the waiver differ in nature and scope from state plan home health aide services in that the waiver services are not limited to rehabilitative services as defined by 42 CFR §440.130; may be provided on a long-term basis; are not subject to a physician's review every 60 days; and may include general household tasks (i.e., meal preparation, grocery/personal needs shopping, and light housekeeping) when those tasks are incidental to the personal care provided during the visit, the participant is unable to manage the home and care for him or herself, and the individual regularly responsible for these activities is temporarily absent or unable to conduct these activities.

Home health aide services may be provided in the home or in the community when the participant requires assistance in order to participate in community activities or to access other services in the community. Home health aide services may not include companionship or other services which are diversional/recreational in nature. Participant transportation costs are not associated with the provision of home health aide services and must be billed separately.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Home health aide services may not duplicate those available through the state plan or waiver services and are authorized by a case manager in accordance with the participant's assessed needs. Medically necessary home health aide services for individuals under the age of 21 are provided under the state plan in accordance with Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) coverage requirements.

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person**Relative****Legal Guardian****Provider Specifications:**

Provider Category	Provider Type Title
Agency	Home Health Agency

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Statutory Service****Service Name: Home Health Aide****Provider Category:**

Agency

Provider Type:

Home Health Agency

Provider Qualifications**License (specify):**

Home Health Agency License granted by the Wyoming Department of Health, Aging Division

Certificate (specify):**Other Standard (specify):****Verification of Provider Qualifications****Entity Responsible for Verification:**

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Personal Care

Alternate Service Title (if any):

Personal Support Services

HCBS Taxonomy:**Category 1:**

08 Home-Based Services

Sub-Category 1:

08030 personal care

Category 2:

08 Home-Based Services

Sub-Category 2:

08050 homemaker

Category 3:**Sub-Category 3:****Service Definition (Scope):****Category 4:****Sub-Category 4:**

Part-time or intermittent personal support assistance to enable waiver participants to accomplish activities of daily living (i.e., eating, bathing, grooming, dressing, toileting, and functional mobility) that they would normally do for themselves if they did not have a disability (to the extent permitted by state law). This assistance may take the form of hands-on assistance (actually performing a task for the person) or cuing to prompt the participant to perform a task.

Personal support services may also consist of general household tasks (i.e., meal preparation, grocery/personal needs shopping, and light housekeeping) when the participant is unable to manage the home and care for him or herself and the individual regularly responsible for these activities is temporarily absent or unable to conduct these activities.

Personal support services may be provided in the home or in the community when the participant requires assistance with activities of daily living in order to participate in community activities or to access other services in the community. Personal support services may not include companionship or other services which are diversional/recreational in nature. Participant transportation costs are not associated with the provision of personal support services and must be billed separately.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Personal support services may not duplicate those available through the state plan or waiver services and are authorized by a case manager in accordance with the participant's assessed needs. by a case manager based on the participant's assessed needs. Medically necessary personal care services for individuals under the age of 21 are provided under the state plan in accordance with Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) coverage requirements.

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Individual	Participant or Designated Employer of Record Under the Participant-Directed Service Delivery Option
Agency	Home Health Agency

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Personal Support Services

Provider Category:

Individual

Provider Type:

Participant or Designated Employer of Record Under the Participant-Directed Service Delivery Option

Provider Qualifications

License (specify):

Certificate (specify):

Other Standard (specify):

The participant or designated the employer of record must be determined to meet the criteria for election of the participant-directed service option as described in Appendix E-1, and submit all necessary documentation to enroll with the contracted Financial Management Services (FMS) agency and the Division's fiscal agent as the employer of record.

Individuals employed under the participant-directed service delivery option must be at least 18 years of age and successfully complete the Division's training curriculum. The participant or designated employer of record may require that their employees meet additional training, education, or experience requirements.

Verification of Provider Qualifications

Entity Responsible for Verification:

The contracted FMS agency verifies and maintains documentation of employment eligibility status, criminal history and background investigation, and training.

The participant or designated employer of record must verify and maintain documentation of any additional qualifications.

The contracted FMS agency maintains a directory of individuals who are interested in additional employment opportunities under the participant-directed service delivery option.

Frequency of Verification:

The FMS verifies minimum provider qualifications upon hire and submits a report to the Division on a representative sample of employee files annually.

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Statutory Service****Service Name: Personal Support Services****Provider Category:**

Agency

Provider Type:

Home Health Agency

Provider Qualifications**License** (*specify*):

Home Health Agency License granted by the Wyoming Department of Health, Aging Division

Certificate (*specify*):**Other Standard** (*specify*):**Verification of Provider Qualifications****Entity Responsible for Verification:**

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Statutory Service

Service:

Respite

Alternate Service Title (if any):

--

HCBS Taxonomy:**Category 1:**

09 Caregiver Support

Sub-Category 1:

09012 respite, in-home

Category 2:

09 Caregiver Support

Sub-Category 2:

09011 respite, out-of-home

Category 3:**Sub-Category 3:****Service Definition (Scope):****Category 4:****Sub-Category 4:**

Services provided to participants unable to care for themselves that are furnished on a short-term basis because of the absence or need for relief of those persons who normally provide care for the participant.

In-home respite services may be provided in the participant's home or in the community when the participant requires assistance with activities of daily living in order to participate in community activities or to access other services in the community.

Out-of-home respite services may be provided in an assisted living or nursing care facility.

Respite services may not be authorized based on the participant's needs for companionship or those which are diversional/recreational in nature. Participant transportation costs are not associated with the provision of respite services and must be billed separately. Reimbursement does not include the costs for room and board except when provided as part of respite care furnished in an assisted living or nursing care facility.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Services are authorized by a case manager based on the participant's assessed need and are limited to the prorated equivalent of thirty (30) days per service plan year.

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Home Health Agency
Agency	Nursing Care Facility

Provider Category	Provider Type Title
Agency	Assisted Living Facility

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Respite

Provider Category:

Agency

Provider Type:

Home Health Agency

Provider Qualifications

License (*specify*):

Home Health Agency License granted by the Wyoming Department of Health, Aging Division

Certificate (*specify*):

Other Standard (*specify*):

Verification of Provider Qualifications

Entity Responsible for Verification:

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service

Service Name: Respite

Provider Category:

Agency

Provider Type:

Nursing Care Facility

Provider Qualifications

License (*specify*):

Nursing Care Facility License granted by the Wyoming Department of Health, Aging Division

Certificate (*specify*):

Other Standard (*specify*):**Verification of Provider Qualifications****Entity Responsible for Verification:****Frequency of Verification:****Appendix C: Participant Services**

C-1/C-3: Provider Specifications for Service

Service Type: Statutory Service**Service Name: Respite**

Provider Category:**Provider Type:****Provider Qualifications****License** (*specify*):**Certificate** (*specify*):**Other Standard** (*specify*):**Verification of Provider Qualifications****Entity Responsible for Verification:****Frequency of Verification:**

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Service Title:

HCBS Taxonomy:**Category 1:**

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Service Definition (Scope):**Category 4:**

Sub-Category 4:

Part-time or intermittent skilled nursing care which is within the scope of practice and required to be delivered by a Registered Nurse (RN) under the Wyoming Nurse Practice Act. Waiver skilled nursing services are provided in addition to the skilled nursing services as defined by 42 CFR §440.70 and furnished under the Wyoming Medicaid State Plan.

Skilled nursing services under the waiver differ in nature and scope from state plan skilled nursing services in that the waiver services are not limited to rehabilitative services as defined by 42 CFR §440.130, may be provided on a long-term basis, and are not subject to a physician's review every 60 days.

Skilled nursing services may be provided in the home or in the community when the participant requires assistance in order to participate in community activities or to access other services in the community. Skilled nursing may not include companionship or other services which are diversional/recreational in nature. Participant transportation costs are not associated with the provision of skilled nursing services and must be billed separately.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Skilled nursing services may not duplicate those available through the state plan and are authorized by a contracted Quality Improvement Organization (QIO) in accordance with the participant's assessed needs. Medically necessary skilled nursing services for individuals under the age of 21 are provided under the state plan in accordance with Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) coverage requirements.

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person**Relative****Legal Guardian****Provider Specifications:**

Provider Category	Provider Type Title
Agency	Home Health Agency

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Extended State Plan Service****Service Name: Skilled Nursing****Provider Category:**

Agency

Provider Type:

Home Health Agency

Provider Qualifications**License** (*specify*):

Home Health Agency License granted by the Wyoming Department of Health, Aging Division

Certificate (*specify*):**Other Standard** (*specify*):**Verification of Provider Qualifications****Entity Responsible for Verification:**

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Supports for Participant Direction

The waiver provides for participant direction of services as specified in Appendix E. Indicate whether the waiver includes the following supports or other supports for participant direction.

Support for Participant Direction:

Financial Management Services

Alternate Service Title (if any):**HCBS Taxonomy:****Category 1:**

12 Services Supporting Self-Direction

Sub-Category 1:

12010 financial management services in support of self-direction

Category 2:**Sub-Category 2:****Category 3:****Sub-Category 3:****Service Definition (Scope):****Category 4:****Sub-Category 4:**

Fiscal Management Service is only available to participants who meet the criteria for and choose the participant-direction option for personal care attendant waiver services. Provides assistance to establish employer status; to produce payroll; to provide financial reporting and related functions on the participant's behalf as the employer of record and shall include: procurement of authorization from the Internal Revenue Service to operate on behalf of the participant to withhold, report and pay federal income and unemployment taxes; establishment and maintenance of a record for each participant and each of their employees; provision, distribution, collection and processing of direct care timesheets and task documents approved by the participant; preparation and distribution of payroll using a predetermined schedule which includes withholding, filing and depositing all taxes in accordance with Federal Internal Revenue Service, Department of Labor and state laws. Service shall include monthly summary reports provided to the Waiver program and to each participant which reflect the payroll and service utilization as defined by the program. Assurance that all W-2, 1099 or wage and tax statements are provided in accordance with federal, state and local requirements and laws. Documentation of the dates of service, type, scope and duration of services for which payroll is generated. Documented communication to the case manager all medical, safety and wellness concerns, critical events or incidents and changes in the participant's condition. Enrollment of new employers and new employees for established employers, in accordance with applicable waiver standards; Operation of a staffed call center which is available to resolve participant inquiries, resolve payroll concerns and provide support and feedback to enrolling employers or employees; Services shall only be reimbursed for the month enrollment of a new employer is completed and subsequent months in which payroll was generated on the employer's behalf for their employee(s). Provider shall prepare and distribute of all management reports to the Program Manager or designee as requested.

---Discontinued as a waiver service effective July 1, 2020. Financial Management Services offered as an administrative activity as described in Appendix E---

Specify applicable (if any) limits on the amount, frequency, or duration of this service:**Service Delivery Method (check each that applies):**

Participant-directed as specified in Appendix E**Provider managed**

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Fiscal Employer Agent

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Supports for Participant Direction****Service Name: Financial Management Services****Provider Category:**

Agency

Provider Type:

Fiscal Employer Agent

Provider Qualifications**License (specify):****Certificate (specify):****Other Standard (specify):**

Must apply for and be approved by the Internal Revenue Service (under IRS revenue Procedure 70-6 and Proposed Notice 2003-70) to act as an employer agent on behalf of individuals. Providers shall not function as a legal guardian, power of attorney, financial or legal representative on behalf of any waiver participant to whom they provide waiver service; or any waiver participant of the agency or entity that employs them. Must adhere to all Federal, State and local laws and regulations concerning business operation and reporting and follow an independent audit schedule and process.

Verification of Provider Qualifications**Entity Responsible for Verification:**

Division of Healthcare Financing

Frequency of Verification:

The Division initially certifies the contracting agency providing this service. The Division has the authority to monitor agencies throughout their contract period through the complaint process, incident reporting process, or internal referral process if there is indication the provider is not complying with the rules, regulations and contract.

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Assisted Living Facility Services

HCBS Taxonomy:

Category 1:

02 Round-the-Clock Services

Sub-Category 1:

02013 group living, other

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Service Definition (Scope):

Category 4:

Sub-Category 4:

Personal care and supportive services (to the extent permitted under state law) that are furnished to waiver participants who reside in a setting that meets the home and community-based setting requirements and includes 24-hour on-site response capability to meet scheduled or unpredictable resident needs and to provide supervision, safety and security. Services also include social and recreational programming, and medication assistance (to the extent permitted under state law). Services that are provided by third parties must be coordinated with the assisted living facility.

Nursing and skilled therapy services are incidental rather than integral to the provision of assisted living services, and payment is not be made for 24-hour skilled care. Reimbursement does not include the costs for room and board, items of comfort or convenience, or facility maintenance, upkeep, and improvement.

Assisted living facility services do not include services which are available through the state plan. Participant transportation costs are not associated with the assisted living facility services and must be billed separately.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person**Relative****Legal Guardian****Provider Specifications:**

Provider Category	Provider Type Title
Agency	Assisted Living Facility

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Assisted Living Facility Services****Provider Category:**

Agency

Provider Type:

Assisted Living Facility

Provider Qualifications**License (specify):**

Assisted Living Facility License granted by the Wyoming Department of Health, Aging Division

Certificate (specify):**Other Standard (specify):****Verification of Provider Qualifications****Entity Responsible for Verification:**

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Home-Delivered Meals

HCBS Taxonomy:**Category 1:**

06 Home Delivered Meals

Sub-Category 1:

06010 home delivered meals

Category 2:**Sub-Category 2:****Category 3:****Sub-Category 3:****Service Definition (Scope):****Category 4:****Sub-Category 4:**

Hot or frozen meals delivered to the home of the participant when the participant is unable to prepare a meal for him or herself and the individual regularly responsible for these activities is temporarily absent or unable to conduct these activities. Meals must meet the standards for the nutritional services delivered under Title III of the Older Americans Act.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Limited to two meals per day and shall not constitute a full nutritional regimen.

Service Delivery Method (check each that applies):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (check each that applies):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Commercial Food Service Operator
Agency	Older Americans Act Nutritional Services Provider

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service**

Service Type: Other Service**Service Name: Home-Delivered Meals**

Provider Category:**Provider Type:****Provider Qualifications****License (specify):****Certificate (specify):****Other Standard (specify):****Verification of Provider Qualifications****Entity Responsible for Verification:****Frequency of Verification:**

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service**Service Name: Home-Delivered Meals**

Provider Category:**Provider Type:****Provider Qualifications****License (specify):****Certificate (specify):****Other Standard (specify):**

A nutritional services provider qualified by the Wyoming Department of Health, Division of Aging

Verification of Provider Qualifications
Entity Responsible for Verification:

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

Non-Medical Transportation

HCBS Taxonomy:
Category 1:

15 Non-Medical Transportation

Sub-Category 1:

15010 non-medical transportation

Category 2:**Sub-Category 2:****Category 3:****Sub-Category 3:****Service Definition (Scope):**
Category 4:**Sub-Category 4:**

Service offered in order to enable waiver participants to gain access to waiver and other community services, activities and resources, as specified by the service plan. This service is offered in addition to medical transportation required under 42 CFR §431.53 and transportation services under the state plan, defined at 42 CFR §440.170(a) (if applicable), and does not replace them. Transportation services under the waiver are offered in accordance with the participant's service plan. Whenever possible, family, neighbors, friends, or community agencies which can provide this service without charge are utilized.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Reimbursement for non-medical transportation is limited to a total of \$80.00 per month.

Service Delivery Method (*check each that applies*):

Participant-directed as specified in Appendix E

Provider managed

Specify whether the service may be provided by (*check each that applies*):

Legally Responsible Person

Relative

Legal Guardian

Provider Specifications:

Provider Category	Provider Type Title
Agency	Senior Center
Individual	Individual Driver
Agency	Transportation Agency

Appendix C: Participant Services

C-1/C-3: Provider Specifications for Service

Service Type: Other Service

Service Name: Non-Medical Transportation

Provider Category:

Agency

Provider Type:

Senior Center

Provider Qualifications

License (*specify*):

Certificate (*specify*):

Other Standard (*specify*):

A senior center approved by the Wyoming Department of Health, Aging Division to provide Title III-B Supportive Services under the Older Americans Act. Senior centers may provide only adult day (social model) services.

Verification of Provider Qualifications

Entity Responsible for Verification:

Wyoming Department of Health. Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Non-Medical Transportation****Provider Category:**

Individual

Provider Type:

Individual Driver

Provider Qualifications**License** (*specify*):

Holds a current valid driver license from any state.

Certificate (*specify*):**Other Standard** (*specify*):

Service provided by an individual that is at least 18 years old and is capable of safely transporting participants to access community resources; meets all federal, state and local laws and regulations for driver licensing, vehicle liability insurance and vehicle transportation safety standards; carries a fire extinguisher and first aid kit in vehicle during transport; is capable of summoning assistance if needed during transport; and provides upon request, a current safety inspection verification report which assures prudent safety maintenance and repair for vehicles used to transport waiver participants.

Verification of Provider Qualifications**Entity Responsible for Verification:**

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Non-Medical Transportation****Provider Category:**

Agency

Provider Type:

Transportation Agency

Provider Qualifications**License** (*specify*):

Certificate (specify):

Other Standard (specify):

Service provided by a public or private entity that meets all federal, state or local legal requirements to operate a business and is capable of safely transporting participants to access community resources; meets all federal, state and local laws and regulations for driver licensing, liability insurance, business operation and vehicle transportation safety standards; carries a fire extinguisher and first aid kit in vehicle during transport; is capable of summoning assistance if needed during transport; and provides upon request, a current safety inspection verification report which assures prudent safety maintenance and repair for vehicles used to transport waiver participants.

Verification of Provider Qualifications**Entity Responsible for Verification:**

Frequency of Verification:

Appendix C: Participant Services

C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Service Type:

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

Service Title:

HCBS Taxonomy:**Category 1:**

Sub-Category 1:

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Service Definition (*Scope*):**Category 4:****Sub-Category 4:**

Personal Emergency Response Systems (PERS) include electronic devices that are programmed to signal a response center once a help button is activated and enables the waiver participant to secure help in an emergency. PERS are limited to participants who demonstrate needs based criteria for the service including: those who live alone; those who live with others who are unable to summon help; or those who are alone for significant portions of the day, have no regular caregiver for extended periods of time, and would otherwise require routine supervision.

Monthly monitoring and maintenance fees include the equipment rental; access to a 24 hour response center monitored by live, professional staff; equipment testing and troubleshooting; responses to alerts and alarms; and documentation of communications with participants, caregivers, case managers, and first responders.

Installation fees are billed separately and include the delivery, installation, and activation of all necessary equipment as well as participant/caregiver education and training on equipment use.

Specify applicable (if any) limits on the amount, frequency, or duration of this service:

Reimbursement for installation is limited to a one-time fee per participant unless otherwise warranted by extenuating circumstances (e.g. the participant moves, a change in service provider, or lost/stolen devices). Reimbursement for installation fees for the repair or replacement of equipment may not be granted if it is determined that there has been abuse or misuse of the equipment or if the repair or replacement is sought before the equipment's ordinary life cycle.

Service Delivery Method (*check each that applies*):**Participant-directed as specified in Appendix E****Provider managed****Specify whether the service may be provided by** (*check each that applies*):**Legally Responsible Person****Relative****Legal Guardian****Provider Specifications:**

Provider Category	Provider Type Title
Agency	Personal Emergency Response System Vendor

Appendix C: Participant Services**C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Personal Emergency Response Systems (PERS)****Provider Category:**

Agency

Provider Type:

Personal Emergency Response System Vendor

Provider Qualifications**License** (*specify*):

Certificate (*specify*):

Other Standard (*specify*):

A corporation, limited liability corporation, non-profit organization, sole proprietorship, or other business entity registered in good standing with the Wyoming Secretary of State. The vendor must also produce documentation that the agency is an authorized dealer, supplier, or manufacturer of Personal Emergency Response Systems.

Verification of Provider Qualifications

Entity Responsible for Verification:

Wyoming Department of Health, Division of Healthcare Financing

Frequency of Verification:

Annually

Appendix C: Participant Services

C-1: Summary of Services Covered (2 of 2)

b. Provision of Case Management Services to Waiver Participants. Indicate how case management is furnished to waiver participants (*select one*):

Not applicable - Case management is not furnished as a distinct activity to waiver participants.

Applicable - Case management is furnished as a distinct activity to waiver participants.

Check each that applies:

As a waiver service defined in Appendix C-3. *Do not complete item C-1-c.*

As a Medicaid state plan service under §1915(i) of the Act (HCBS as a State Plan Option). *Complete item C-1-c.*

As a Medicaid state plan service under §1915(g)(1) of the Act (Targeted Case Management). *Complete item C-1-c.*

As an administrative activity. *Complete item C-1-c.*

As a primary care case management system service under a concurrent managed care authority. *Complete item C-1-c.*

c. Delivery of Case Management Services. Specify the entity or entities that conduct case management functions on behalf of waiver participants:

Appendix C: Participant Services

C-2: General Service Specifications (1 of 3)

a. Criminal History and/or Background Investigations. Specify the state's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (select one):

No. Criminal history and/or background investigations are not required.

Yes. Criminal history and/or background investigations are required.

Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national); and, (c) the process for ensuring that mandatory investigations have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):

(a) A criminal history and background investigation must be conducted for those employees, contractors, and volunteers who may have unsupervised direct contact with waiver participants in the regular course of their work delivering the following waiver services:

- Adult Day Services (Health Model)
- Case Management
- Home Health Aide
- Personal Support Services
- Respite
- Skilled Nursing
- Assisted Living Facility Services

(b) The criminal history and background investigation includes screening against federal and state databases, including:

- United States Department of Health and Human Services, Office of Inspector General, List of Excluded Individuals/Entities
- United States Department of Justice, National Sex Offender Public Website
- Wyoming Attorney General's Office, Division of Criminal Investigation (DCI), Western Identification Network
- Federal Bureau of Investigation (FBI), Identity History Summary Check

A national, name-based criminal history database may be used as an alternative to the DCI and FBI databases for individuals employed under the participant-directed service delivery option.

The screening must confirm that the individual has not been excluded from federally-funded healthcare programs and has not been convicted of, has not pleaded "no contest" to, and does not have a pending deferred prosecution of any of the following barrier crimes:

- Homicide
- Kidnapping
- Sexual assault
- Robbery
- Blackmail
- Assault and Battery
- Bigamy
- Incest
- Abandoning or endangering children
- Violation of an order of protection
- Human trafficking

(c) Medicaid reimbursement is not available for the above waiver services delivered by employees, contractors, and volunteers excluded from federally-funded healthcare programs or who have a criminal history including a barrier crime. Provider agencies must maintain employee files including documentation of successful criminal history and background investigation results. Employee files are periodically reviewed as part of the regulatory oversight activities conducted for agencies licensed or regulated by the Wyoming Department of Health, Aging Division. Case management agency employee files are periodically reviewed by the Division as part of regular quality and performance review activities. Service provider agencies may choose to exclude applicants for additional crimes not included on the Division's list of barrier crimes.

The contracted Financial Management Services (FMS) agency facilitates criminal history and background investigations for individuals employed under the participant-directed service delivery option. The FMS verifies that the applicant/employee has not been excluded from federally-funded healthcare programs and does not have a criminal history including a barrier crime. Following this verification, the participant/designated employer of record is provided the criminal history and background investigation results and makes the hiring decision. The participant/designated employer of record may choose to exclude applicants for additional crimes not included on the Division's list of barrier crimes. The FMS agency maintains employee files including documentation of successful criminal history and background investigation results, and these files are subject to periodic reviews conducted as part of the Division's contractor oversight activities.

Provider agencies and participants/designated employers of record under the participant-directed service delivery

option may choose to permit individuals to begin delivering waiver services pending the results of the criminal history and background investigation if that individual has signed an attestation affirming that he/she has not been convicted of, has not pleaded "no contest" to, and does not have a pending deferred prosecution of any barrier crime.

b. Abuse Registry Screening. Specify whether the state requires the screening of individuals who provide waiver services through a state-maintained abuse registry (select one):

No. The state does not conduct abuse registry screening.

Yes. The state maintains an abuse registry and requires the screening of individuals through this registry.

Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; and, (c) the process for ensuring that mandatory screenings have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

(a) The Central Registry of Abuse and Neglect is maintained by the Wyoming Department of Family Services.

(b) A Central Registry check must be conducted for those employees, contractors, and volunteers who may have unsupervised direct contact with waiver participants in the regular course of their work delivering the following waiver services:

- Adult Day Services
- Case Management
- Home Health Aide
- Personal Support Services
- Respite
- Skilled Nursing
- Assisted Living Facility Services

(c) Medicaid reimbursement is not available for the above waiver services delivered by employees, contractors, and volunteers who are currently under investigation or who have been substantiated by the Wyoming Department of Family Services for abuse and/or neglect. Provider agencies must maintain employee files including documentation of successful Central Registry check results. Employee files are periodically reviewed as part of the regulatory oversight activities conducted for agencies licensed or regulated by the Wyoming Department of Health, Aging Division. Case management agency employee files are periodically reviewed by the Division as part of regular quality and performance review activities.

The contracted Financial Management Services (FMS) agency facilitates Central Registry checks for individuals employed under the participant-directed service delivery option. The FMS verifies that the applicant/employee is not included on the Central Registry. Following this verification, the participant/designated employer of record is provided the Central Registry check results and makes the hiring decision. The FMS agency maintains employee files including documentation of successful criminal history and background investigation results, and these files are subject to periodic reviews conducted as part of the Division's contractor oversight activities.

Provider agencies and participants/designated employers of record under the participant-directed service delivery option may choose to permit individuals to begin delivering waiver services pending the results of Central Registry check if that individual has signed an attestation affirming that he/she is not currently under investigation and has not been substantiated by the Wyoming Department of Family Services for abuse and/or neglect.

Appendix C: Participant Services

C-2: General Service Specifications (2 of 3)

c. Services in Facilities Subject to §1616(e) of the Social Security Act. Select one:

No. Home and community-based services under this waiver are not provided in facilities subject to §1616(e) of the Act.

Yes. Home and community-based services are provided in facilities subject to §1616(e) of the Act. The standards that apply to each type of facility where waiver services are provided are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

i. Types of Facilities Subject to §1616(e). Complete the following table for each type of facility subject to §1616(e) of the Act:

Facility Type	
Assisted Living Facility	

ii. Larger Facilities: In the case of residential facilities subject to §1616(e) that serve four or more individuals unrelated to the proprietor, describe how a home and community character is maintained in these settings.

Required information is contained in response to C-5.

Appendix C: Participant Services

C-2: Facility Specifications

Facility Type:

Assisted Living Facility

Waiver Service(s) Provided in Facility:

Waiver Service	Provided in Facility
Financial Management Services	
Adult Day Services	
Non-Medical Transportation	
Personal Emergency Response Systems (PERS)	
Home Health Aide	
Respite	
Assisted Living Facility Services	
Case Management	
Skilled Nursing	
Home-Delivered Meals	
Personal Support Services	

Facility Capacity Limit:

N/A

Scope of Facility Standards. For this facility type, please specify whether the state's standards address the following topics (*check each that applies*):

Scope of State Facility Standards	
Standard	Topic Addressed
Admission policies	
Physical environment	
Sanitation	
Safety	
Staff : resident ratios	
Staff training and qualifications	
Staff supervision	
Resident rights	
Medication administration	
Use of restrictive interventions	
Incident reporting	
Provision of or arrangement for necessary health services	

When facility standards do not address one or more of the topics listed, explain why the standard is not included or is not relevant to the facility type or population. Explain how the health and welfare of participants is assured in the standard area(s) not addressed:

Required information is contained in response to C-5.

Appendix C: Participant Services

C-2: General Service Specifications (3 of 3)

d. Provision of Personal Care or Similar Services by Legally Responsible Individuals. A legally responsible individual is any person who has a duty under state law to care for another person and typically includes: (a) the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child or (b) a spouse of a waiver participant. Except at the option of the State and under extraordinary circumstances specified by the state, payment may not be made to a legally responsible individual for the provision of personal care or similar services that the legally responsible individual would ordinarily perform or be responsible to perform on behalf of a waiver participant. *Select one:*

No. The state does not make payment to legally responsible individuals for furnishing personal care or similar services.

Yes. The state makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.

Specify: (a) the legally responsible individuals who may be paid to furnish such services and the services they may provide; (b) state policies that specify the circumstances when payment may be authorized for the provision of *extraordinary care* by a legally responsible individual and how the state ensures that the provision of services by a legally responsible individual is in the best interest of the participant; and, (c) the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 the personal care or similar services for which payment may be made to legally responsible individuals under the state policies specified here.*

Self-directed**Agency-operated**

- e. Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians.** Specify state policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. *Select one:*

The state does not make payment to relatives/legal guardians for furnishing waiver services.

The state makes payment to relatives/legal guardians under specific circumstances and only when the relative/guardian is qualified to furnish services.

Specify the specific circumstances under which payment is made, the types of relatives/legal guardians to whom payment may be made, and the services for which payment may be made. Specify the controls that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 each waiver service for which payment may be made to relatives/legal guardians.*

The relative of a participant may be reimbursed for personal support services delivered under the participant-directed service delivery option. The relative must meet all qualifications specified in Appendix C-1/C3 and may not be a spouse, legal guardian, or designated employer of record for the participant. In accordance with the provisions of the 21st Century Cures Act, Electronic Visit Verification (EVV) is required for personal support services to ensure payments are made only for services rendered. The employee and participant/designated employer of record must sign an attestation affirming the veracity of the information included on the timesheet and that the timesheet is an accurate representation of services rendered. Misrepresentation or false statements may result in disciplinary actions up to or including involuntary termination from the participant-directed service delivery option and criminal prosecution.

Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.

Specify the controls that are employed to ensure that payments are made only for services rendered.

Other policy.

Specify:

- f. Open Enrollment of Providers.** Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR §431.51:

Any institution, agency, person, or organization may submit an application to enroll as a waiver service provider through an online portal. Applicants are screened by the Division and/or its agent against the qualifications specified in Appendix C-1/C-3 of this waiver application. Applicants are notified of the approval/disapproval of the provider application or any additional information required by the Division or its agent. Service providers qualified by the Division and/or its agent are enrolled without restriction upon execution of a Medicaid Provider Agreement. Applicants denied enrollment are provided with a notice of rights to request a reconsideration and/or fair hearing in accordance with Chapter 4 of the Rules and Regulations for Medicaid.

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Qualified Providers

The state demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.

i. Sub-Assurances:

- a. Sub-Assurance:** *The State verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percentage of providers that initially and continually meet licensing and/or certification standards. Numerator: Number of providers that initially and continually meet licensing and/or certification standards. Denominator: Total number of providers that require a licensure and/or certification.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Provider management information system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div></div>
Other	Annually	Stratified

Specify: <input type="text"/>		Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

b. Sub-Assurance: The State monitors non-licensed/non-certified providers to assure adherence to waiver requirements.

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the

method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percentage of non-licensed/non-certified providers in a representative sample that adhere to waiver requirements. Numerator: Number of sampled non-licensed/non-certified providers that adhere to waiver requirements. Denominator: Total number of non-licensed/non-certified providers in representative sample.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Provider management information system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; padding: 2px; width: fit-content;">95% confidence +/- 5% MOE</div>
Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
	Continuously and Ongoing	Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
	Other Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

Performance Measure:

Percentage of employee files in a representative sample of individuals employed under the participant-directed service delivery option that demonstrate compliance with provider qualification requirements. Numerator: Number of files in the sample that demonstrate compliance with provider qualification requirements Denominator: Number of files in the sample

Data Source (Select one):

Reports to State Medicaid Agency on delegated Administrative functions

If 'Other' is selected, specify:

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div>95% confidence +/- 5% MOE</div>

Other Specify: <div>Contracted FMS Agency</div>	Annually	Stratified Describe Group: <div></div>
	Continuously and Ongoing	Other Specify: <div></div>
	Other Specify: <div></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

c. Sub-Assurance: The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver.

For each performance measure the State will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percent of case managers that have all required training prior to conducting service plan development and monitoring activities and as periodically required thereafter.

Numerator: Number of case managers that have completed all required training prior to delivering services and as periodically required thereafter. Denominator:

Total number of case managers.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Provider management information system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	Annually
	Continuously and Ongoing
	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

Individual deficiencies identified through regular monitoring activities or through waiver performance measures are remediated by the Division staff through the provision of technical assistance, the imposition of a corrective action or sanction, referrals to the appropriate regulatory/law enforcement agencies, and/or the suspension or termination of a Medicaid provider agreement.

In accordance with CMS guidance issued March 12, 2014, any performance measure with less than an 86% success rate warrants further analysis to determine the cause. The Division conducts a root cause analysis to identify contributing factors and determine underlying causes of deficiency for any measure with less than an 86% success rate. Based upon the findings of the root cause analysis, the Division may initiate a Quality Improvement Project (QIP). The QIP includes, at minimum:

- A description of remedial actions to be taken (e.g. training, revised policies/procedures, additional staff, different staffing patterns, provider/vendor corrective action);
- A timeline of remedial actions to be taken;
- The individuals responsible for effectuating remedial actions; and,
- The frequency with which performance/compliance is measured.

The HCBS Quality Improvement Committee assures accountability to the Division's stakeholders and provides oversight of quality improvement activities, including regular monitoring of QIP effectiveness.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party(<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Qualified Providers that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Qualified Providers, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix C: Participant Services

C-3: Waiver Services Specifications

Section C-3 'Service Specifications' is incorporated into Section C-1 'Waiver Services.'

Appendix C: Participant Services

C-4: Additional Limits on Amount of Waiver Services

a. Additional Limits on Amount of Waiver Services. Indicate whether the waiver employs any of the following additional limits on the amount of waiver services (*select one*).

Not applicable- The state does not impose a limit on the amount of waiver services except as provided in Appendix C-3.

Applicable - The state imposes additional limits on the amount of waiver services.

When a limit is employed, specify: (a) the waiver services to which the limit applies; (b) the basis of the limit, including its basis in historical expenditure/utilization patterns and, as applicable, the processes and methodologies that are used to determine the amount of the limit to which a participant's services are subject; (c) how the limit will be adjusted over the course of the waiver period; (d) provisions for adjusting or making exceptions to the limit based on participant health and welfare needs or other factors specified by the state; (e) the safeguards that are in effect when the amount of the limit is insufficient to meet a participant's needs; (f) how participants are notified of the amount of the limit. (*check each that applies*)

Limit(s) on Set(s) of Services. There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.

Furnish the information specified above.

Prospective Individual Budget Amount. There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.

Furnish the information specified above.

Budget Limits by Level of Support. Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.

Furnish the information specified above.

Other Type of Limit. The state employs another type of limit.

Describe the limit and furnish the information specified above.

Appendix C: Participant Services

Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 CFR 441.301(c)(4)-(5) and associated CMS guidance. Include:

1. Description of the settings and how they meet federal HCB Settings requirements, at the time of submission and in the future.
2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and ongoing.

Note instructions at Module 1, Attachment #2, HCB Settings Waiver Transition Plan for description of settings that do not meet requirements at the time of submission. Do not duplicate that information here.

The State of Wyoming's Statewide Transition Plan for Home and Community-Based Settings received final approval on June 29, 2018. One assisted living facility remains presumptively institutional due to its location within a building which is also a privately operated facility that provides inpatient institutional treatment and will be submitted to CMS for review under the heightened scrutiny process. All other settings have been assessed and have been determined to be in full compliance with home and community-based settings requirements. Settings are regularly reviewed to assure ongoing compliance.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (1 of 8)

State Participant-Centered Service Plan Title:

Service Plan

- a. Responsibility for Service Plan Development.** Per 42 CFR §441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals (*select each that applies*):

Registered nurse, licensed to practice in the state

Licensed practical or vocational nurse, acting within the scope of practice under state law

Licensed physician (M.D. or D.O)

Case Manager (qualifications specified in Appendix C-1/C-3)

Case Manager (qualifications not specified in Appendix C-1/C-3).

Specify qualifications:

Case managers must be employed or contracted by a qualified case management agency and must have:

- (1) A master's degree from an accredited college or university in human services, social services or a related field of study;
- (2) A bachelor's degree from an accredited college or university in human services, social services, or a related field of study and one year of related work experience in human or social services; or
- (3) An associate's degree from an accredited college or university in human services, social services, or a related field of study and four years of related work experience in human or social services.

A case manager employed by a case management agency prior to July 1, 2016 may continue to provide case management services, without meeting the above criteria, as long as the case manager has a high school diploma or high school equivalency certificate and six years of experience as a case manager.

Prior to conducting service planning and case management activities and periodically thereafter, case managers must demonstrate requisite knowledge, skills, and abilities through successful completion of a case management training curriculum approved by the Division.

The case management agency and case manager responsible for the development of the participant's service plan must meet the following conflict of interest standards:

- (1) The case manager must not be related by blood or marriage to the participant, or to any person paid to provide Medicaid home and community-based services to the participant;
- (2) The case manager must not share a residence with the participant or with any person paid to provide Medicaid home and community-based services to the participant;
- (3) The case manager/case management agency must not be financially responsible for the participant;
- (4) The case manager/case management agency must not be empowered to make financial or health-related decisions on behalf of the participant; and
- (5) The case manager/case management agency must not own, operate, be employed by, or have a financial interest in any entity that is paid to provide Medicaid home and community-based services to the participant. Financial interest includes a direct or indirect ownership or investment interest and/or any direct or indirect compensation arrangement.

Social Worker

Specify qualifications:

Other

Specify the individuals and their qualifications:

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (2 of 8)

b. Service Plan Development Safeguards. *Select one:*

Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.

Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant.

The state has established the following safeguards to ensure that service plan development is conducted in the best

interests of the participant. *Specify:*

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (3 of 8)

c. Supporting the Participant in Service Plan Development. Specify: (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.

(a) At the time of application for the waiver program, participants are provided with an informational handout on the range of services and supports offered through the waiver and a list of approved case management agencies serving the participant's county of residence. Upon enrollment in the waiver program, the participant's assigned case manager uses a person-centered planning approach to facilitate service plan development as described in Appendix D-1-d. Case managers provide and explain participant materials, including a participant welcome packet/handbook containing:

- Program overview
- Participation agreement
- Introduction to person-centered planning
- Participant rights and responsibilities
- Information on freedom of choice between institutional care and waiver services, among all feasible service alternatives within the waiver, and among all willing and qualified service providers.

(b) The participant (and/or legal representative, as appropriate) is afforded the authority to determine who is included and/or excluded from the service plan development process.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (4 of 8)

d. Service Plan Development Process. In four pages or less, describe the process that is used to develop the participant-centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; and, (g) how and when the plan is updated, including when the participant's needs change. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

(a) At the time of application for the waiver program, the participant selects a case management agency from a list of approved agencies serving the participant's county of residence. Upon enrollment in the waiver program, the case manager facilitates a person-centered service plan development process. Within five business days following participant enrollment approval, the case manager must contact the participant (and/or legal representative, as appropriate) to initiate the service planning process and to schedule the service plan meeting. The case manager, the participant, and any other individuals freely chosen by the participant may participate in the service plan development process. Prior to the service plan meeting, the case manager gathers information on the language needs, any cultural considerations, the individuals to be included in the service plan development process, and the potential times and locations for the meeting. The case manager must make reasonable attempts to schedule the service plan meeting at a time and location convenient to the participant and the others included in the service plan development process.

(b) The Division has developed an array of modular assessments to support the service plan development process and to establish standardized methods for gathering all necessary information on participant needs, preferences, goals, and overall health status.

The modular assessment process begins with a participant profile assessment which is used to gather basic information on the participant's background, family/natural support system, home environment, participation in the community, interest in participant-directed service options, and overall health status. The participant profile assessment is also designed to build rapport with the participant; to identify participant strengths, preferences, support needs, and potential risk factors; and to facilitate meaningful goal development using a series of open-ended questions and guided conversation techniques.

Based on the information gathered through the participant profile assessment, the case manager may be required to conduct up to five additional assessment modules, including:

- Supported Decision-Making Assessment: Used to assess the participant's ability and comfort in making decisions regarding their service plan and other life circumstances.
- Community Relationships Assessment: Used to assess the participant's level of engagement and interest in employment, educational, and/or other social/cultural opportunities.
- Housing and Environment Assessment: Used to assess the stability of the participant's living conditions and whether those conditions are supportive of the participant's overall health and welfare.
- Caregiver Assessment: Used to assess the availability, strength, and stability of the participant's natural support system as well as to identify potential support needs for the natural support system.
- Participant-Direction Assessment: Used to assess the participant's desire, comfort, and capability to direct his/her own care.

(c) Case managers provide an informational handout including a list of all services and service delivery options available under the waiver and explaining the key features of the program. Case managers are required to present and explain the participant's choice between community-based and institutional care options and among all feasible service alternatives within the waiver.

(d) The case manager summarizes the information gathered through the modular assessment process and confirms there is agreement among all individuals participating in the service plan development process on the goals, strengths, preferences, needs, and risks to be addressed by the service plan. The participant is encouraged and supported to direct the service planning process to the maximum extent possible. The case manager provides information and options counseling as needed to facilitate discussion among the individuals participating in the service plan development process and to assist the participant in determining which services and supports will be included in the service plan.

The service plan is not limited to the services available through the waiver and may include additional services and supports available through the Medicaid state plan; other federal, state, and local public programs; the participant's family/natural support system; and/or any other relevant community resource.

For each service and support to be included in the service plan, the case manager drafts a brief description of the tasks to

be performed by the service/support provider and documents the specific needs, preferences, and goals to be addressed by that service/support. For each waiver service, the case manager considers the scope of the covered benefit, prior authorization review requirements, and any applicable service limits to recommend service frequency and duration in accordance with the participant's assessed needs and preferences.

The case manager is responsible for the development of a comprehensive service plan which reasonably assures the health and welfare of the participant; acknowledges participant's strengths; promotes the participant's self-determined goals; addresses all of the participant's assessed needs; includes a plan to mitigate all identified risks, and accommodates participant preferences to the extent possible within the established service limitations and the availability of local resources.

(e) The case manager coordinates all services and supports included in the service plan. For each waiver service, the case manager must submit a written referral to the participant's chosen service provider. This referral includes the specific service requested, a brief description of the tasks to be performed by the service provider, the requested service frequency and duration, and any other relevant information regarding the participant's specific needs and preferences.

The waiver service provider is required to review the services requested by the participant and indicate whether the provider accepts, declines, or accepts with modification (e.g. the participant prefers a male caregiver, but the service provider only female caregiver is available). The case manager must confirm the participant's acceptance of any modifications proposed by the service provider. The case manager facilitates the participant's selection of an alternate provider and/or service alternative for any declined referrals or for modifications not accepted by the participant.

The case manager conducts additional referral and outreach activities as necessary to confirm availability and coordinate the delivery of non-waiver services and supports included in the service plan.

(f) The case manager assigns responsibility through the referral process and obtains signatures from each individual/provider responsible for service plan implementation. The case manager obtains the participant's agreement and informed consent and submits the service plan for the Division's approval and finalization through the Division's case management information system. Service plans are screened through an automated review process and may be subject to a manual review by Division staff. Once approved by the Division, service plans are finalized in the case management information system.

Upon service plan finalization, role-based copies of the service plan are delivered to all individuals responsible for its implementation. The role-based copy of the completed service plan includes assignment and delineation of responsibilities and assures individuals are provided with necessary information for the coordination, provision, and reimbursement of waiver services while assuring the privacy of the participant, e.g., the Personal Emergency Response System provider's version of the service plan includes relevant responsibilities and service descriptions but does not include details of the participant's personal support service tasks. The case manager is responsible for monitoring service plan implementation.

(g) The service plan must be reviewed and updated at least annually but may be reviewed more frequently upon request by the participant or in response to a significant change in the participant's condition or circumstances.

The case manager, the participant, and any other individuals freely chosen by the participant may participate in the service plan review and update process. The case manager facilitates a discussion among the individuals participating in the service plan review process to confirm/update the participant's assessed needs, preferences, goals, and overall health status and to identify any necessary modifications to the participant's existing service plan. The case manager may conduct any of the assessment module(s) as needed to document changes in the participant's condition or circumstances. Modifications to the service plan are made and the services and supports are coordinated in accordance with the initial service plan development processes described above.

The case manager assigns responsibility for implementation of the updated service plan and obtains signatures from each individual/provider, as necessary, through the referral process. The case manager obtains the participant's agreement and informed consent and submits the updated service plan for the Division's approval and finalization through the Division's case management information system. Service plans are screened through an automated review process and may be subject to a manual review by Division staff. Once approved by the Division, updated service plans are finalized in the case management information system. The case manager is responsible for monitoring the implementation of the updated

service plan.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (5 of 8)

- e. Risk Assessment and Mitigation.** Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.

Case managers must create a risk mitigation plan for all potential risks identified by the modular assessments during the service plan development process. The case manager facilitates a conversation among all individuals participating in service plan development to identify strategies to mitigate risk and to reasonably assure the health and welfare of the participant.

The service plan must include a backup plan or identify an alternate service or support to ensure the continuity of critical waiver services, e.g. personal support services or skilled nursing services. The arrangements that are used for backup are tailored to the participant's needs, preferences, and available resources. Backup arrangements may include, but are not limited to, seeking temporary assistance from a member of the participant's natural support network, contacting the provider agency for assignment of an on-call or alternate caregiver, contacting the case manager to coordinate delivery of an alternate service or support, and employing an on-call or alternate caregiver under the participant-directed service delivery option.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (6 of 8)

- f. Informed Choice of Providers.** Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.

At the time of application for the waiver program, participants are provided with an informational handout on the range of services and supports offered through the waiver and a list of approved case management agencies serving the participant's county of residence. Upon enrollment in the waiver program, the participant's assigned case manager uses a person-centered planning approach to facilitate service plan development as described in Appendix D-1-d.

Case managers must provide a list of all enrolled providers serving the participant's county of residence. The participant's case manager must disclose any ownership, affiliation, or financial interest in any entity enrolled to provide Medicaid home and community-based services. The participant must be afforded the option to receive case management services from another agency or choose to receive services from a provider without conflict of interest.

The service plan includes an explanation of the participant's (and/or legal representative's, as appropriate) rights and responsibilities, including the right to exercise freedom of choice among all willing and qualified service providers. The service plan is agreed to with the informed consent of the participant and signed by all individuals and providers responsible for its implementation.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (7 of 8)

- g. Process for Making Service Plan Subject to the Approval of the Medicaid Agency.** Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR §441.301(b)(1)(i):

The case manager submits the service plan and any subsequent service plan updates for the Division's approval and finalization through the Division's case management information system. Service plans are screened through an automated review process and may be subject to a manual review by Division staff. Once approved by the Division, service plan is finalized in the case management information system and can be reviewed by Division staff at any time.

Appendix D: Participant-Centered Planning and Service Delivery

D-1: Service Plan Development (8 of 8)

h. Service Plan Review and Update. The service plan is subject to at least annual periodic review and update to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:

Every three months or more frequently when necessary

Every six months or more frequently when necessary

Every twelve months or more frequently when necessary

Other schedule

Specify the other schedule:

i. Maintenance of Service Plan Forms. Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR §92.42. Service plans are maintained by the following (*check each that applies*):

Medicaid agency

Operating agency

Case manager

Other

Specify:

Appendix D: Participant-Centered Planning and Service Delivery

D-2: Service Plan Implementation and Monitoring

a. Service Plan Implementation and Monitoring. Specify: (a) the entity (entities) responsible for monitoring the implementation of the service plan and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.

(a) The case manager is responsible for monitoring service plan implementation and the participant's ongoing health and welfare.

(b)&(c) Case managers must conduct monthly service plan monitoring activities in order to identify any changes in the participant's condition or circumstances, screen for any potential risks or concerns, assess the participant's (and/or legal representative's, as appropriate) satisfaction with services and supports, evaluate the effectiveness of the service plan and risk mitigation plan in meeting the participant's needs, and to ensure services are delivered in accordance with the service plan.

Service plan monitoring visits are typically conducted face-to-face in the participant's home but may occur by phone/video call or at another location within the community in accordance with the participant's needs and preferences. Face-to-face service plan monitoring visits must be conducted at least quarterly. Case managers must make reasonable attempts to conduct service plan monitoring visits at a time and place convenient to the participant.

Monthly service plan monitoring activities must be documented in the Division's case management information system within five business days, and the case manager may be required to review and update the participant's service plan in response to any significant changes in condition or circumstances as described in Appendix D-1-d or as needed to implement backup plans. Service utilization data is available in the Division's case management information system as claims are submitted and reimbursed. Case managers monitor service utilization data and compare against the authorized amounts to identify any potential problems with service access or delivery and may follow up with service providers as necessary to support service plan implementation. The case management information system is used to compile and compare service plan monitoring results with service plan modification and critical incident data in order to assure remediation of any identified problems.

b. Monitoring Safeguards. *Select one:*

Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide other direct waiver services to the participant.

Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.

The state has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant. *Specify:*

Appendix D: Participant-Centered Planning and Service Delivery

Quality Improvement: Service Plan

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Service Plan Assurance/Sub-assurances

The state demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.

i. Sub-Assurances:

a. Sub-assurance: *Service plans address all participants assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or

sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percent of care plans that address all participant assessed needs and goals.

Numerator: Number of care plans that address participant assessed needs and goals.

Denominator: Number of care plans.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Case management information system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div></div>
Other Specify: <div></div>	Annually	Stratified Describe Group: <div></div>
	Continuously and Ongoing	Other Specify: <div></div>
	Other Specify: <div></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div style="border: 1px solid black; height: 30px; width: 200px; margin-top: 5px;"></div>	Annually
	Continuously and Ongoing
	Other Specify: <div style="border: 1px solid black; height: 30px; width: 200px; margin-top: 5px;"></div>

- b. Sub-assurance:** *The State monitors service plan development in accordance with its policies and procedures.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Pursuant to CMS guidance issued March 12, 2014, reporting on this subassurance is no longer required.

Data Source (Select one):

Other

If 'Other' is selected, specify:

N/A

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid	Weekly	100% Review

Agency		
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
	Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>

c. Sub-assurance: Service plans are updated/revised at least annually or when warranted by changes in the waiver participants needs.

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percent of service plans updated/revised at least annually. Numerator: Number of service plans updated/revised at least annually. Denominator: Total number of service plans which require an annual update/revision.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Case management information system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
Other Specify:	Annually	Stratified Describe Group:

<input type="text"/>		<input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Percentage of service plans updated when warranted by changes in the participant's needs. Numerator: Number of service plans updated when warranted by changes in the participant's needs. Denominator: Total number of participants with a documented change in needs which warrant a service plan update.

Data Source (Select one):**Other**

If 'Other' is selected, specify:

Case management information system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify:	Annually

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="text"/>	
	Continuously and Ongoing
	Other Specify: <input type="text"/>

- d. Sub-assurance: Services are delivered in accordance with the service plan, including the type, scope, amount, duration and frequency specified in the service plan.**

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percentage of participants whose records demonstrate monthly service plan monitoring activities as required to verify services are delivered in accordance with the service plan: including service type, scope, amount, duration, and frequency.

Numerator: Participants whose records demonstrate monthly service plan monitoring activities. Denominator: Total number of participants.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Case Management Information System

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample

		Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

e. Sub-assurance: Participants are afforded choice: Between/among waiver services and providers.**Performance Measures**

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percentage of participants with documentation of their choice of waiver service providers. Numerator: Number of participants with documentation of their choice of waiver service providers. Denominator: Total number of participants.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Case management information system

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other	

	Specify: <div></div>	
--	-------------------------	--

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

Performance Measure:**Percentage of participants with documentation of their choice of waiver services.****Numerator: Number of participants with documentation of their choice of waiver services. Denominator: Total number of participants.****Data Source** (Select one):**Other**

If 'Other' is selected, specify:

Case management information system

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review

Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

Individual deficiencies identified through regular monitoring activities or through waiver performance measures are remediated by the Division staff through the provision of technical assistance, the imposition of a corrective action or sanction, and/or the suspension or termination of a Medicaid provider agreement.

In accordance with CMS guidance issued March 12, 2014, any performance measure with less than an 86% success rate warrants further analysis to determine the cause. The Division conducts a root cause analysis to identify contributing factors and determine underlying causes of deficiency for any measure with less than an 86% success rate. Based upon the findings of the root cause analysis, the Division may initiate a Quality Improvement Project (QIP). The QIP includes, at minimum:

- A description of remedial actions to be taken (e.g. training, revised policies/procedures, additional staff, different staffing patterns, provider/vendor corrective action);
- A timeline of remedial actions to be taken;
- The individuals responsible for effectuating remedial actions; and,
- The frequency with which performance/compliance is measured.

The HCBS Quality Improvement Committee assures accountability to the Division's stakeholders and provides oversight of quality improvement activities, including regular monitoring of QIP effectiveness.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>	Annually
	Continuously and Ongoing
	Other Specify: <div style="border: 1px solid black; height: 30px; margin-top: 5px;"></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix E: Participant Direction of Services

Applicability (from Application Section 3, Components of the Waiver Request):

Yes. This waiver provides participant direction opportunities. Complete the remainder of the Appendix.

No. This waiver does not provide participant direction opportunities. Do not complete the remainder of the Appendix.

CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed budget or both. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.

Indicate whether Independence Plus designation is requested (select one):

Yes. The state requests that this waiver be considered for Independence Plus designation.

No. Independence Plus designation is not requested.

Appendix E: Participant Direction of Services

E-1: Overview (1 of 13)

a. Description of Participant Direction. In no more than two pages, provide an overview of the opportunities for participant direction in the waiver, including: (a) the nature of the opportunities afforded to participants; (b) how participants may take advantage of these opportunities; (c) the entities that support individuals who direct their services and the supports that they provide; and, (d) other relevant information about the waiver's approach to participant direction.

(a) The Community Choices Waiver affords participants the opportunity to direct their personal support services. The participant (and/or legal representative, as appropriate) may choose to direct their own services or to designate another individual to act as the employer of record and direct services on his/her behalf. Participants who choose to direct personal support services are granted both the employer and budget authorities.

Employer authority grants the participant/designated employer of record the ability to recruit, select, discharge, terminate, schedule, supervise, set wages, and otherwise manage employees of their choosing. Employer authority is executed under the Fiscal/Employer Agent (F/EA) model. The participant/designated individual serves as the employer of record. If it is determined that the participant is not capable of managing the responsibilities associated with participant-directed care, the participant must designate an employer of record to direct services on his/her behalf.

Budget authority grants the participant/designated employer of record the ability to direct services within a participant-directed budget. The case manager calculates the participant-directed budget based on the participant's assessed needs using the Division's guidelines and prescribed methods.

(b) The case manager informs the participant of all possible service alternatives, including opportunities for participant direction as part of the service plan development processes described in Appendix D-1-d. Participants who express an interest in participant direction are assisted by the case manager in completing the required documents and are referred to the contracted Financial Management Services (FMS) agency for enrollment support.

(c) The contracted FMS agency supports the employers of record for participant-directed waiver services by performing financial administrative activities such as withholding taxes and processing payroll. In performance of its delegated provider enrollment functions, the FMS verifies provider qualifications, conducts background investigations, and facilitates provider enrollment. The FMS maintains a separate account for each participant in order to track and report the expenditures and balance of the participant's participant-directed budget.

Case management activities also support participant direction. Case managers provide information about participant direction opportunities; determine whether participants meet the additional criteria described in Appendix E-1-d; assist the participant/designated employer of record in obtaining and completing required documents; determine the participant's monthly budget allocation; coordinate with the FMS agency; and monitor participant-directed service effectiveness, quality, and expenditures.

Appendix E: Participant Direction of Services

E-1: Overview (2 of 13)

b. Participant Direction Opportunities. Specify the participant direction opportunities that are available in the waiver.
Select one:

Participant: Employer Authority. As specified in *Appendix E-2, Item a*, the participant (or the participant's representative) has decision-making authority over workers who provide waiver services. The participant may function as the common law employer or the co-employer of workers. Supports and protections are available for participants who exercise this authority.

Participant: Budget Authority. As specified in *Appendix E-2, Item b*, the participant (or the participant's representative) has decision-making authority over a budget for waiver services. Supports and protections are available for participants who have authority over a budget.

Both Authorities. The waiver provides for both participant direction opportunities as specified in *Appendix E-2*. Supports and protections are available for participants who exercise these authorities.

c. Availability of Participant Direction by Type of Living Arrangement. *Check each that applies:*

Participant direction opportunities are available to participants who live in their own private residence or the home of a family member.

Participant direction opportunities are available to individuals who reside in other living arrangements where services (regardless of funding source) are furnished to fewer than four persons unrelated to the proprietor.

The participant direction opportunities are available to persons in the following other living arrangements

Specify these living arrangements:

Appendix E: Participant Direction of Services

E-1: Overview (3 of 13)

d. Election of Participant Direction. Election of participant direction is subject to the following policy (*select one*):

Waiver is designed to support only individuals who want to direct their services.

The waiver is designed to afford every participant (or the participant's representative) the opportunity to elect to direct waiver services. Alternate service delivery methods are available for participants who decide not to direct their services.

The waiver is designed to offer participants (or their representatives) the opportunity to direct some or all of their services, subject to the following criteria specified by the state. Alternate service delivery methods are available for participants who decide not to direct their services or do not meet the criteria.

Specify the criteria

The participant (and/or legal representative, as appropriate) must demonstrate understanding and capability to manage the activities and responsibilities associated with participant direction of services. Case managers must assess and determine participant capability using the Division's prescribed assessment methods and guidance prior to election of the participant-directed service delivery option and at least annually thereafter as part of the service plan development processes described in Appendix D-1-d. Case managers use a standardized assessment to determine if the participant demonstrates:

- The ability to understand and monitor conditions of basic health, and recognize how, when, and where to seek appropriate medical assistance;
- The ability to direct his/her own care, including the ability to train caregivers to meet his/her specific needs;
- The ability to make informed decisions about interviewing, selecting, disciplining, terminating, and otherwise managing caregivers; and
- The ability to develop and maintain a budget and establish caregiver wages and schedules.

If it is determined that the participant is not/no longer capable of managing the responsibilities associated with participant-directed care, the participant must designate another individual to act as the employer of record as described in Appendix E-1-f.

Appendix E: Participant Direction of Services

E-1: Overview (4 of 13)

e. Information Furnished to Participant. Specify: (a) the information about participant direction opportunities (e.g., the benefits of participant direction, participant responsibilities, and potential liabilities) that is provided to the participant (or the participant's representative) to inform decision-making concerning the election of participant direction; (b) the entity or entities responsible for furnishing this information; and, (c) how and when this information is provided on a timely basis.

(a) Participants (and/or legal representatives, as appropriate) are informed of all possible service alternatives, including opportunities for participant direction as part of the service plan development process described in Appendix D-1-d. Participants who express an interest in participant direction are informed of the potential benefits, liabilities, risks, and responsibilities associated with participant direction.

(b) & (c) Case managers provide this information during the development of the initial service plan development, at the annual service plan review, at any time the service plan is updated due to a significant change in the participant's condition, or at any other time it is requested by the participant.

Appendix E: Participant Direction of Services

E-1: Overview (5 of 13)

f. Participant Direction by a Representative. Specify the state's policy concerning the direction of waiver services by a representative (*select one*):

The state does not provide for the direction of waiver services by a representative.

The state provides for the direction of waiver services by representatives.

Specify the representatives who may direct waiver services: (*check each that applies*):

Waiver services may be directed by a legal representative of the participant.

Waiver services may be directed by a non-legal representative freely chosen by an adult participant.

Specify the policies that apply regarding the direction of waiver services by participant-appointed representatives, including safeguards to ensure that the representative functions in the best interest of the participant:

The participant's legal representative may also act as the designated employer of record for participant direction.

The participant (and/or legal representative, as appropriate) may also choose to designate another individual to act as the employer of record for participant direction. If it is determined that the participant is not capable of managing the responsibilities associated with participant-directed care, the participant must designate another individual to act as the employer of record.

The designated employer of record must demonstrate understanding and capability to manage the activities and responsibilities associated with participant direction of waiver services and must sign an agreement of understanding that the designated employer of record is willing and able to assume responsibilities as the employer of record, does not and cannot receive compensation to act as the designated employer of record, and cannot delegate or assign the responsibilities of the employer of record to another person or entity. The designated employer of record cannot be reimbursed to provide waiver services.

The participant must designate the employer of record through an advanced healthcare directive or durable power of attorney for healthcare.

Case managers monitor participant-directed service effectiveness, quality, and expenditures against the monthly budget allocation on a monthly basis.

Appendix E: Participant Direction of Services

E-1: Overview (6 of 13)

g. Participant-Directed Services. Specify the participant direction opportunity (or opportunities) available for each waiver service that is specified as participant-directed in Appendix C-1/C-3.

Waiver Service	Employer Authority	Budget Authority
Personal Support Services		

Appendix E: Participant Direction of Services

E-1: Overview (7 of 13)

h. Financial Management Services. Except in certain circumstances, financial management services are mandatory and integral to participant direction. A governmental entity and/or another third-party entity must perform necessary financial transactions on behalf of the waiver participant. *Select one:*

Yes. Financial Management Services are furnished through a third party entity. *(Complete item E-1-i).*

Specify whether governmental and/or private entities furnish these services. *Check each that applies:*

Governmental entities

Private entities

No. Financial Management Services are not furnished. Standard Medicaid payment mechanisms are used. *Do not complete Item E-1-i.*

Appendix E: Participant Direction of Services

E-1: Overview (8 of 13)

i. Provision of Financial Management Services. Financial management services (FMS) may be furnished as a waiver service or as an administrative activity. *Select one:*

FMS are covered as the waiver service specified in Appendix C-1/C-3

The waiver service entitled:

FMS are provided as an administrative activity.

Provide the following information

i. Types of Entities: Specify the types of entities that furnish FMS and the method of procuring these services:

The Division contracts with a private corporation to act as its Financial Management Services (FMS) agency. The FMS agency is procured competitively through a Request for Proposal (RFP) process in accordance with state procurement laws [WS 9-2-1016, et seq.].

ii. Payment for FMS. Specify how FMS entities are compensated for the administrative activities that they perform:

The FMS agency is reimbursed on a fee-for-service basis at a standard per member, per month (PMPM) rate. PMPM payments are made in accordance with the state fiscal rules and managed through the Medicaid Management Information System (MMIS).

iii. Scope of FMS. Specify the scope of the supports that FMS entities provide *(check each that applies):*

Supports furnished when the participant is the employer of direct support workers:

Assist participant in verifying support worker citizenship status

Collect and process timesheets of support workers

Process payroll, withholding, filing and payment of applicable federal, state and local employment-related taxes and insurance**Other***Specify:*

Assist the participant/designated employer of record in verifying employee qualifications as described in Appendix C-1/C-3 and Appendix C-2 by facilitating criminal history and background investigation processes and by maintaining documentation of compliance with any other applicable qualification standards required to receive reimbursement for waiver services.

Supports furnished when the participant exercises budget authority:

Maintain a separate account for each participant's participant-directed budget**Track and report participant funds, disbursements and the balance of participant funds****Process and pay invoices for goods and services approved in the service plan****Provide participant with periodic reports of expenditures and the status of the participant-directed budget****Other services and supports***Specify:*

Additional functions/activities:

Execute and hold Medicaid provider agreements as authorized under a written agreement with the Medicaid agency**Receive and disburse funds for the payment of participant-directed services under an agreement with the Medicaid agency or operating agency****Provide other entities specified by the state with periodic reports of expenditures and the status of the participant-directed budget****Other***Specify:*

- iv. Oversight of FMS Entities.** Specify the methods that are employed to: (a) monitor and assess the performance of FMS entities, including ensuring the integrity of the financial transactions that they perform; (b) the entity (or entities) responsible for this monitoring; and, (c) how frequently performance is assessed.

As described in Appendix A, the Division retains ultimate administrative authority and is responsible for assessing the performance of the contracted FMS agency. The Division's contract with the FMS specifies the scope of work and documents the delegation of administrative and operational activities conducted by the FMS.

FMS agency performance is assessed on a quarterly basis through onsite performance reviews. These performance reviews include an inspection of participant-directed employer/employee files, operational policies and procedures, data reports, and other administrative records as necessary to validate compliance with contractual obligations and service line agreements.

Financial integrity of participant-directed service claims is assured through the post payment audit and billing validation processes described in Appendix I. Additionally, the quarterly onsite performance review procedures include validation of a random convenience sample of FMS claims. The FMS agency must produce the approved timesheets to substantiate the delivery and reimbursement of participant-directed waiver services for claims included in the sample. Any potential overpayments identified are referred to the Division's Program Integrity Unit for further investigation and for the potential payment recovery and reimbursement of Federal Financial Participation (FFP).

Appendix E: Participant Direction of Services

E-1: Overview (9 of 13)

j. Information and Assistance in Support of Participant Direction. In addition to financial management services, participant direction is facilitated when information and assistance are available to support participants in managing their services. These supports may be furnished by one or more entities, provided that there is no duplication. Specify the payment authority (or authorities) under which these supports are furnished and, where required, provide the additional information requested (*check each that applies*):

Case Management Activity. Information and assistance in support of participant direction are furnished as an element of Medicaid case management services.

Specify in detail the information and assistance that are furnished through case management for each participant direction opportunity under the waiver:

Waiver Service Coverage.

Information and assistance in support of participant direction are provided through the following waiver service coverage(s) specified in Appendix C-1/C-3 (check each that applies):

Participant-Directed Waiver Service	Information and Assistance Provided through this Waiver Service Coverage
Financial Management Services	
Adult Day Services	
Non-Medical Transportation	
Personal Emergency Response Systems (PERS)	
Home Health Aide	
Respite	
Assisted Living Facility Services	

Participant-Directed Waiver Service	Information and Assistance Provided through this Waiver Service Coverage
Case Management	
Skilled Nursing	
Home-Delivered Meals	
Personal Support Services	

Administrative Activity. Information and assistance in support of participant direction are furnished as an administrative activity.

Specify (a) the types of entities that furnish these supports; (b) how the supports are procured and compensated; (c) describe in detail the supports that are furnished for each participant direction opportunity under the waiver; (d) the methods and frequency of assessing the performance of the entities that furnish these supports; and, (e) the entity or entities responsible for assessing performance:

Appendix E: Participant Direction of Services

E-1: Overview (10 of 13)

k. Independent Advocacy (*select one*).

No. Arrangements have not been made for independent advocacy.

Yes. Independent advocacy is available to participants who direct their services.

Describe the nature of this independent advocacy and how participants may access this advocacy:

Appendix E: Participant Direction of Services

E-1: Overview (11 of 13)

I. Voluntary Termination of Participant Direction. Describe how the state accommodates a participant who voluntarily terminates participant direction in order to receive services through an alternate service delivery method, including how the state assures continuity of services and participant health and welfare during the transition from participant direction:

Participant-direction is a voluntary service delivery option from which the participant (and/or legal representative, as appropriate) may choose to withdraw at any time.

Participants who elect to voluntarily terminate participant direction must contact their case manager to facilitate the transition to an alternative service delivery option. Case managers must make all reasonable efforts to assure service continuity through the service plan update processes described in Appendix D-1-d. This includes planning for and coordinating the transition to agency-based care or other service alternatives in such a manner that assures participant health and welfare and that the participant's assessed needs are met during that transition.

Participants who voluntarily terminate participant direction may return to the participant-directed service delivery option at any time, as long as the participant continues to meet the criteria described in Appendix E-1-d.

Appendix E: Participant Direction of Services

E-1: Overview (12 of 13)

- m. Involuntary Termination of Participant Direction.** Specify the circumstances when the state will involuntarily terminate the use of participant direction and require the participant to receive provider-managed services instead, including how continuity of services and participant health and welfare is assured during the transition.

Participants (and/or legal representatives, as appropriate) may be involuntarily terminated from participant direction if:

- (1) The participant no longer meets the criteria described in Appendix E-1-d, and the participant refuses or fails to designate another individual to act as the employer of record;
- (2) The participant's designated employer of record no longer meets the criteria described in Appendix E-1-f, and the participant refuses or fails to appoint an alternate employer of record;
- (3) There is documented misuse or abuse of the monthly budget allocation, and the Division has determined that adequate attempts to assist the participant/designated employer of record to resolve the misuse or abuse have failed;
- (4) There has been an intentional submission of fraudulent timesheets or other program documentation;
- (5) The participant/designated employer of record has been convicted of fraud and/or abuse; or
- (6) The participant/designated employer of record is included on the List of Excluded Individuals/Entities (LEIE) and is therefore excluded from participation in Federally-funded healthcare programs by the US Department of Health and Human Services, Office of Inspector General (OIG).

Participants involuntarily terminated from participant direction are provided a Notice of Adverse Action and informed of the opportunity to request a fair hearing in accordance with the processes described in Appendix F-1. Case managers facilitate the transition to an alternative service delivery option and must make all reasonable efforts to assure service continuity through the service plan update processes described in Appendix D-1-d. This includes planning for and coordinating the transition to agency-based care or other service alternatives in such a manner that ensures the participant's needs are met during that transition.

Participants who are involuntarily terminated from participant direction may be prohibited from electing the participant-directed service delivery option in the future.

Appendix E: Participant Direction of Services

E-1: Overview (13 of 13)

- n. Goals for Participant Direction.** In the following table, provide the state's goals for each year that the waiver is in effect for the unduplicated number of waiver participants who are expected to elect each applicable participant direction opportunity. Annually, the state will report to CMS the number of participants who elect to direct their waiver services.

Table E-1-n

	Employer Authority Only	Budget Authority Only or Budget Authority in Combination with Employer Authority
Waiver Year	Number of Participants	Number of Participants
Year 1	<input type="text"/>	<input type="text" value="582"/>
Year 2	<input type="text"/>	<input type="text" value="605"/>
Year 3	<input type="text"/>	<input type="text" value="629"/>
Year 4	<input type="text"/>	<input type="text" value="667"/>

	Employer Authority Only	Budget Authority Only or Budget Authority in Combination with Employer Authority
Waiver Year	Number of Participants	Number of Participants
Year 5		698

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant Direction (1 of 6)

a. Participant - Employer Authority Complete when the waiver offers the employer authority opportunity as indicated in Item E-1-b:

i. Participant Employer Status. Specify the participant's employer status under the waiver. *Select one or both:*

Participant/Co-Employer. The participant (or the participant's representative) functions as the co-employer (managing employer) of workers who provide waiver services. An agency is the common law employer of participant-selected/recruited staff and performs necessary payroll and human resources functions. Supports are available to assist the participant in conducting employer-related functions.

Specify the types of agencies (a.k.a., agencies with choice) that serve as co-employers of participant-selected staff:

Participant/Common Law Employer. The participant (or the participant's representative) is the common law employer of workers who provide waiver services. An IRS-approved Fiscal/Employer Agent functions as the participant's agent in performing payroll and other employer responsibilities that are required by federal and state law. Supports are available to assist the participant in conducting employer-related functions.

ii. Participant Decision Making Authority. The participant (or the participant's representative) has decision making authority over workers who provide waiver services. *Select one or more decision making authorities that participants exercise:*

Recruit staff

Refer staff to agency for hiring (co-employer)

Select staff from worker registry

Hire staff common law employer

Verify staff qualifications

Obtain criminal history and/or background investigation of staff

Specify how the costs of such investigations are compensated:

The costs for required criminal history and/or background investigations are reimbursed by the Division as an administrative expense.

Specify additional staff qualifications based on participant needs and preferences so long as such qualifications are consistent with the qualifications specified in Appendix C-1/C-3.

Specify the state's method to conduct background checks if it varies from Appendix C-2-a:

Background checks are conducted in accordance with the processes described in Appendix C-2-a.

Determine staff duties consistent with the service specifications in Appendix C-1/C-3.

Determine staff wages and benefits subject to state limits

Schedule staff

Orient and instruct staff in duties

Supervise staff

Evaluate staff performance

Verify time worked by staff and approve time sheets

Discharge staff (common law employer)

Discharge staff from providing services (co-employer)

Other

Specify:

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (2 of 6)

b. Participant - Budget Authority *Complete when the waiver offers the budget authority opportunity as indicated in Item E-1-b:*

i. Participant Decision Making Authority. When the participant has budget authority, indicate the decision-making authority that the participant may exercise over the budget. *Select one or more:*

Reallocate funds among services included in the budget

Determine the amount paid for services within the state's established limits

Substitute service providers

Schedule the provision of services

Specify additional service provider qualifications consistent with the qualifications specified in Appendix C-1/C-3

Specify how services are provided, consistent with the service specifications contained in Appendix C-1/C-3

Identify service providers and refer for provider enrollment

Authorize payment for waiver goods and services

Review and approve provider invoices for services rendered

Other

Specify:

The participant-directed budget is allocated and prior authorized on a monthly basis. Participants/designated employers of record must schedule and manage the provision of services to remain within the monthly budget allocation.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (3 of 6)

b. Participant - Budget Authority

- ii. Participant-Directed Budget** Describe in detail the method(s) that are used to establish the amount of the participant-directed budget for waiver goods and services over which the participant has authority, including how the method makes use of reliable cost estimating information and is applied consistently to each participant. Information about these method(s) must be made publicly available.

The participant-directed budget is determined as part of the service plan development and update processes described in Appendix D-1-d. The case manager facilitates a discussion among all individuals participating in the service planning process, and a worksheet is used to estimate the frequency and duration of assistance required to support the participant in completing activities of daily living and general household tasks. The case manager considers the participant's assessed goals, strengths, preferences, needs, risks, the availability of natural supports and other resources, and the scope of the service definition detailed in Appendix C in calculating the estimated number of service hours.

The case manager converts the estimated number of service hours into standard units of reimbursement, and the participant-directed budget is calculated by multiplying the number of units by the standard rate for participant-directed services. The worksheet for estimating service frequency and duration and other service planning guidance documents are publicly available on the Division's website.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (4 of 6)

b. Participant - Budget Authority

- iii. Informing Participant of Budget Amount.** Describe how the state informs each participant of the amount of the participant-directed budget and the procedures by which the participant may request an adjustment in the budget amount.

The case manager informs the participant (and/or legal representative, as appropriate) of the participant-directed budget amount and obtains agreement and informed consent prior to submitting the service plan for the Division's approval and finalization. The service plan, including the participant-directed budget, must be reviewed and updated at least annually but may be reviewed more frequently upon request by the participant or in response to a significant change in the participant's condition or circumstances.

Participants whose requests for adjustment to the participant-directed budget are denied, suspended, reduced, or terminated are provided with a Notice of Adverse Action and may request a fair hearing in accordance with the processes described in Appendix F-1.

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (5 of 6)

b. Participant - Budget Authority

- iv. Participant Exercise of Budget Flexibility.** *Select one:*

Modifications to the participant directed budget must be preceded by a change in the service plan.

The participant has the authority to modify the services included in the participant directed budget without prior approval.

Specify how changes in the participant-directed budget are documented, including updating the service plan. When prior review of changes is required in certain circumstances, describe the circumstances and specify the entity that reviews the proposed change:

Appendix E: Participant Direction of Services

E-2: Opportunities for Participant-Direction (6 of 6)

b. Participant - Budget Authority

- v. Expenditure Safeguards.** Describe the safeguards that have been established for the timely prevention of the premature depletion of the participant-directed budget or to address potential service delivery problems that may be associated with budget underutilization and the entity (or entities) responsible for implementing these safeguards:

The participant-directed budget is allocated and prior authorized on a monthly basis to prevent the premature depletion. Participants/designated employers of record must schedule and manage the provision of services to remain within the monthly budget allocation. Upon election of the participant-directed service delivery option, the participant/designated employer of record signs an agreement acknowledging understanding of responsibility for managing services within the participant-directed budget and that timesheets submitted in excess of the participant-directed budget will not be reimbursed by the FMS agency.

The contracted FMS agency's payroll processing information system edits submitted timesheets against prior authorization amounts and will not process timesheets submitted in excess of the participant's monthly budget allocation. The FMS agency maintains an online portal and a customer service line to provide participants/designated employers of record with an up-to-date accounting of expenditures and participant-directed budget remaining.

Case managers must conduct monthly service plan monitoring activities to ensure services are delivered in accordance with the service plan. Service utilization data is available in the Division's case management information system as claims are submitted and reimbursed. Case managers monitor service utilization data and compare against the authorized amounts to identify any potential problems with service access or delivery and may follow up with the participant/designated employer of record as necessary.

Appendix F: Participant Rights

Appendix F-1: Opportunity to Request a Fair Hearing

The state provides an opportunity to request a Fair Hearing under 42 CFR Part 431, Subpart E to individuals: (a) who are not given the choice of home and community-based services as an alternative to the institutional care specified in Item 1-F of the request; (b) are denied the service(s) of their choice or the provider(s) of their choice; or, (c) whose services are denied, suspended, reduced or terminated. The state provides notice of action as required in 42 CFR §431.210.

Procedures for Offering Opportunity to Request a Fair Hearing. Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

At the time of application for the waiver program, participants are provided with an informational handout on the range of services and supports offered through the waiver and a list of approved case management agencies serving the participant's county of residence. Upon enrollment in the waiver program, the participant's assigned case manager uses a person-centered planning approach to facilitate service plan development as described in Appendix D-1-d.

Case managers provide an informational handout including a list of all services and service delivery options available under the waiver and explaining the key features of the program. Case managers are required to present and explain the participant's (and/or legal representative's, as appropriate) choice between community-based and institutional care options, all feasible service alternatives within the waiver, the right to exercise freedom of choice among all willing and qualified service providers, and the right to request a fair hearing in response to an adverse action. The service plan includes a documentation of the participant's understanding of these rights and responsibilities, is agreed to with the informed consent of the participant, and is signed by all individuals and providers responsible for its implementation.

Applicants/participants who are denied home and community-based services as an alternative to institutional care, services of their choice, providers of their choice, or whose services are denied, suspended, reduced, or terminated are provided with a Notice of Adverse Action in accordance with Chapter 4 of the Rules and Regulations for Medicaid. The Notice of Adverse Action includes:

- An explanation of the individual's right to request a hearing, the methods and instructions for requesting a fair hearing;
- A description of the intended adverse action;
- The effective date of the adverse action;
- The reason(s) for the intended action;
- The specific regulations or changes in federal/state law that require the adverse action; and
- Where applicable, an explanation of the circumstances under which benefits may be continued if a hearing is requested pursuant to 42 CFR §431.231.

A copy of the Notice of Adverse Action is maintained in the case management information system as part of the participant's record.

Appendix F: Participant-Rights

Appendix F-2: Additional Dispute Resolution Process

a. Availability of Additional Dispute Resolution Process. Indicate whether the state operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. *Select one:*

No. This Appendix does not apply

Yes. The state operates an additional dispute resolution process

b. Description of Additional Dispute Resolution Process. Describe the additional dispute resolution process, including: (a) the state agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.

Applicants/participants who disagree with the nursing facility level of care determination made pursuant to the process described in Appendix B-6 may request a fair hearing or may submit a written request for reconsideration to the Division within 30 days of the level of care determination notice. The Division contracts with a Quality Improvement Organization (QIO) to conduct reconsideration reviews of the level of care evaluations performed by the Public Health Nursing County Offices. A registered nurse from the QIO conducts a peer review of the level of care determination to assess whether the Division's tools and policies were applied appropriately. A second level of care evaluation may be conducted or the first evaluation may be sustained as a result of the peer review.

Applicants/participants who choose to request a reconsideration are not denied the right to a fair hearing and may still request a fair hearing upon receiving the results of the reconsideration review.

Appendix F: Participant-Rights

Appendix F-3: State Grievance/Complaint System

a. Operation of Grievance/Complaint System. *Select one:*

No. This Appendix does not apply

Yes. The state operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver

b. Operational Responsibility. Specify the state agency that is responsible for the operation of the grievance/complaint system:

c. Description of System. Describe the grievance/complaint system, including: (a) the types of grievances/complaints that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Appendix G: Participant Safeguards

Appendix G-1: Response to Critical Events or Incidents

a. Critical Event or Incident Reporting and Management Process. Indicate whether the state operates Critical Event or Incident Reporting and Management Process that enables the state to collect information on sentinel events occurring in the waiver program.*Select one:*

Yes. The state operates a Critical Event or Incident Reporting and Management Process (*complete Items b through e*)

No. This Appendix does not apply (*do not complete Items b through e*)

If the state does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the state uses to elicit information on the health and welfare of individuals served through the program.

b. State Critical Event or Incident Reporting Requirements. Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the state requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Critical incidents may be identified and reported by any individual, including: participants; family members, guardians, or friends of a participant; waiver service providers; case managers; federal, state, or local regulatory or law enforcement officials; or any other concerned third parties.

Case managers and waiver service providers must report critical incidents immediately after assuring the health and safety of the participant through the Division's web-based reporting system.

Critical incidents which require review and follow-up action include the following categories:

- Abuse: The intentional or reckless infliction of injury or physical/emotional harm.
 - Physical Abuse
 - Verbal/Emotional Abuse
 - Sexual Abuse
 - Intimidation
- Neglect: The deprivation of, or failure to provide, the minimum food, shelter, clothing, supervision, physical and mental health care, and/or other care and prescribed medication as necessary to maintain the participant's life or health, or which may result in a life-threatening situation.
 - Self-Neglect
 - Neglect of a participant by a service provider
 - Neglect of a participant by family member or other natural support
- Exploitation: Fraudulent, unauthorized, or improper acts or processes of an individual who uses the resources of the participant for monetary or personal benefit, profit, or gain or that results in depriving the participant of his/her rightful access to, or use of, benefits, resources, belongings, or assets.
 - Financial Exploitation
 - Sexual Exploitation
 - Prescription Drug Theft/Diversion
 - Other Material Exploitation
- Unexpected Death: Death of a participant when not a result of an expected medical prognosis.
 - Death as a result of an unexpected natural cause, illness, or disease
 - Death as a result of neglect
 - Death as a result of trauma inflicted by another person
 - Death as a result of a medication error
 - Death as a result of an accident
 - Suicide
 - Death of an unknown/other cause
- Use of Restraint
- Unauthorized Use of Restrictive Interventions

Additionally, the Wyoming Adult Protective Services Act [W.S. §35-20-101, et seq.] requires that, "any person or agency who knows or has reasonable cause to believe that a vulnerable adult is being or has been abused, neglected, exploited, intimidated or abandoned or is committing self neglect shall report the information immediately to a law enforcement agency or the [Department of Family Services]."

Waiver service providers licensed by the Wyoming Department of Health, Aging Division must also report incidents and occurrences as required by the applicable licensing regulations.

- c. Participant Training and Education.** Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.

Participants (and/or families and legal representatives, as appropriate) are provided information concerning protections from abuse, neglect, and exploitation and the process for notifying appropriate authorities when the participant may have experienced abuse, neglect, or exploitation as part of the service plan development processes described in Appendix D-1-d.

Case managers are required to present and explain the participant's rights and responsibilities. The service plan includes documentation of the participant's understanding of these rights and responsibilities, is agreed to with the informed consent of the participant, and is signed by all individuals and providers responsible for its implementation upon the initial service plan finalization and at least annually thereafter.

d. Responsibility for Review of and Response to Critical Events or Incidents. Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.

The Division conducts an investigation of all reported incidents including potential instances of abuse, neglect, exploitation, unexpected death, use of restraint, and/or unauthorized use of restrictive interventions within three business days. The investigation consists of a desk review of the incident report and other relevant documentation. Instances are substantiated when there is a preponderance of evidence to support the allegation.

For substantiated instances, the Division reviews the actions taken by the provider agency, case manager, and/or other responsible parties to assure the health and safety of the participant(s) and to determine if those actions constitute an adequate and timely response commensurate with the circumstances of the incident. If those actions are insufficient, the Division requires immediate follow up actions. The Division may conduct those follow up actions directly and/or direct the case manager, provider agency, and/or other responsible parties to conduct additional the follow up actions. These actions may include, but are not limited to:

- Notifying the parent/family member/guardian of the participant(s);
- Recommending the removal of the participant(s) from the place of incident;
- Making a referral for a medical examination of the participant(s);
- Making a referral for a mental/behavioral health evaluation of the participant(s);
- Coordinating with the case manager to identify home and community-based service alternatives and/or alternate waiver service providers;
- Making a referral to and/or recommending an on-site investigation be conducted by the applicable regulatory agencies or boards with the professional or agency licensure/certification oversight authority;
- Making a referral to the applicable law enforcement agency;
- Making a referral to another regulatory/oversight agency (e.g. Wyoming Department of Family Services, Adult Protective Services, Wyoming Long-Term Care Ombudsman Program, or Wyoming Protection and Advocacy System);
- Making a referral to the Division's Program Integrity Unit;
- Making a referral to the Wyoming Attorney General's Office, Medicaid Fraud Control Unit.

Investigations are not considered concluded until all required follow up actions have been taken to reasonably assure the health and safety of the participant(s). The duration of an investigation varies based on circumstances and follow up actions required. The Division monitors progress of the required follow up actions at least every ten business days.

A summary of the investigation results and follow up actions taken is provided to the participant(s) (and/or legal representative(s), as appropriate) and other relevant parties within five business days of the conclusion of the investigation.

e. Responsibility for Oversight of Critical Incidents and Events. Identify the state agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.

The Division may share the responsibility for overseeing the response to individual critical incidents or events with other agencies (e.g Adult Protective Services, law enforcement agencies, and the Aging Division) depending on the type and circumstances of the incident or event. However, the Division is ultimately responsible for the oversight of critical incidents or events that affect waiver participants.

Data compiled from the Division's web-based reporting system is analyzed to identify potential trends and patterns in the types of incidents, affected participants, service providers, and reporting and follow-up timeliness. This data is presented to the Division's Home and Community-Based Services Quality Improvement Committee (HCBS-QIC). The HCBS-QIC identifies opportunities for system improvement and recommends system design changes to the Division for its consideration and implementation. The HCBS-QIC meets on a quarterly basis to monitor ongoing discovery and remediation activities, critical incident trends, participant experience/quality of life survey data, and progress reports on existing quality improvement projects and system improvement initiatives.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (1 of 3)

- a. Use of Restraints.** *(Select one): (For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

The state does not permit or prohibits the use of restraints

Specify the state agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:

The use of restraints is permitted during the course of the delivery of waiver services. Complete Items G-2-a-i and G-2-a-ii.

- i. Safeguards Concerning the Use of Restraints.** Specify the safeguards that the state has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Personal, chemical, and mechanical restraints are permitted in the delivery of assisted living facility services and respite services delivered in an assisted living or nursing care facility.

Restraints must be ordered by a physician and required by the participant's medical symptoms. Assisted living and nursing care facilities may not impose restraints for purposes of discipline or convenience, and must establish resident rights policies which prohibit the use of restraints unless ordered by a physician and required to treat the participant's medical symptoms.

The potential use of restraints must be supported by a specific assessed need and justified in the participant's service plan pursuant to 42 CFR §441.301(c). The service plan must:

- Identify a specific and individualized assessed need.
- Document the positive interventions and supports used prior to any modifications to the person-centered service plan.
- Document less intrusive methods of meeting the need that have been tried but did not work.
- Include a clear description of the condition that is directly proportionate to the specific assessed need.
- Include a regular collection and review of data to measure the ongoing effectiveness of the modification.
- Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
- Include informed consent of the individual.
- Include an assurance that interventions and supports will cause no harm to the individual.

Assisted living and nursing care facilities must comply with all protocols, practices, record keeping and personnel education and training requirements for the application of restraints in accordance with Chapter 12 of the Aging Division Rules for Program Administration of Assisted Living Facilities, Chapter 11 of the Aging Division Rules for Program Administration of Assisted Living Facilities, and 42 CFR §483.12. The Wyoming Department of Health, Aging Division monitors for the unauthorized use or misapplication of restraints as part of the facility survey and licensure processes.

Case managers conduct monthly service plan monitoring activities in order to identify any changes in the participant's condition or circumstances, screen for any potential risks or concerns, assess the participant's (and/or legal representative's, as appropriate) satisfaction with services and supports, evaluate the effectiveness of the service plan in meeting the participant's needs, and to ensure services are delivered in accordance with the service plan. Case managers must report the unauthorized use or misapplication of restraints as critical incident.

Upon initial enrollment of assisted living and nursing care facility providers and periodically thereafter, the Division reviews resident agreements, handbooks, and other provider materials for references to potential use of restraints and restrictive intervention in order to ensure compliance with waiver provider participation standards.

The Long Term Care Ombudsman investigates, advocates, and mediates on behalf of adults applying for or receiving long term care services, to resolve complaints concerning actions or inactions that may adversely affect participant health, safety, welfare or rights. Following an investigation, the ombudsman reports findings and recommendations to the participant or participant's guardian and may report the findings to any other entity deemed appropriate.

Additionally, the Adult Protective Services Act [WS 35-20-101, et seq.] requires that any person or agency who knows or has reasonable cause to believe that a vulnerable adult is being or has been abused neglected, exploited or abandoned or is committing self-neglect shall report the information immediately to a law enforcement agency or the Wyoming Department of Family Services, Adult Protective Services (APS).

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for overseeing the use of restraints and ensuring that state safeguards concerning their use are followed and how such oversight is conducted and its frequency:

The Wyoming Department of Health, Aging Division has the primary oversight responsibility regarding the use of restraints and ensures compliance with the safeguards concerning their use as part of the facility survey and licensure processes. Facility surveys are conducted upon initial licensure, in response to a complaint, and periodically thereafter. Aging Division surveyors inspect the facility, interview facility administrators and personnel, review documents, and undertake other procedures necessary to evaluate the extent to which the facility meets licensure standards and Medicare Conditions of Participation, as applicable. All survey results are submitted to the Division.

Assisted living facilities must document and report all accidents; injuries; incidents; illnesses; and allegations of abuse, neglect, or exploitation to the participant's family or other responsible party. The use of a restraint must be reported as a critical incident. Critical incidents including the use of restraints are analyzed to enable the identification of trends and development of quality improvement strategies as described in Appendix G-1.

The Division does not have the authority to provide oversight of or to impose information sharing requirements on the Adult Protective Services or Long-Term Care Ombudsman programs. However, the Division encourages collaboration and information sharing and intends to use the HCBS Quality Committee as an opportunity to establish formal cooperation and information sharing agreements in the future.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (2 of 3)

b. Use of Restrictive Interventions. (*Select one*):

The state does not permit or prohibits the use of restrictive interventions

Specify the state agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and how this oversight is conducted and its frequency:

The use of restrictive interventions is permitted during the course of the delivery of waiver services Complete Items G-2-b-i and G-2-b-ii.

- i. Safeguards Concerning the Use of Restrictive Interventions.** Specify the safeguards that the state has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.

Limitation on the participant's full access to the greater community, privacy, independence in making life choices, freedom to control their own schedules and activities, access to food, or ability to have visitors of their choosing at any time may be permitted in the delivery of assisted living facility services, adult day services (health model), and respite services delivered in an assisted living or nursing care facility.

The use of restrictive interventions must be supported by a specific assessed need and justified in the participant's service plan pursuant to 42 CFR §441.301(c). The service plan must:

- Identify a specific and individualized assessed need.
- Document the positive interventions and supports used prior to any modifications to the person-centered service plan.
- Document less intrusive methods of meeting the need that have been tried but did not work.
- Include a clear description of the condition that is directly proportionate to the specific assessed need.
- Include a regular collection and review of data to measure the ongoing effectiveness of the modification.
- Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
- Include informed consent of the individual.
- Include an assurance that interventions and supports will cause no harm to the individual.

Assisted living, adult day care, and nursing care facilities must comply with all protocols, practices, record keeping and personnel education and training requirements for the application of restrictive interventions in accordance with Chapter 12 of the Aging Division Rules for Program Administration of Assisted Living Facilities, Chapter 7 of the Aging Division Rules for Program Administration of Adult Day Care Facilities, Chapter 11 of the Aging Division Rules for Program Administration of Assisted Living Facilities, and 42 CFR §483.12. The Wyoming Department of Health, Aging Division monitors for the unauthorized use or misapplication of restrictive interventions as part of the facility survey and licensure processes.

When required, restrictive interventions are typically applied on an ongoing basis, e.g., restricted egress in a memory care unit or limited access to food due to prescribed dietary restrictions; therefore, documentation is not required each time a restrictive intervention is applied. Case managers conduct monthly service plan monitoring activities in order to identify any changes in the participant's condition or circumstances, screen for any potential risks or concerns, assess the participant's (and/or legal representative's, as appropriate) satisfaction with services and supports, evaluate the effectiveness of the service plan in meeting the participant's needs, and to ensure services are delivered in accordance with the service plan. Case managers must report the unauthorized use or misapplication of restrictive interventions as critical incident.

The Long Term Care Ombudsman investigates, advocates, and mediates on behalf of adults applying for or receiving long term care services, to resolve complaints concerning actions or inactions that may adversely affect participant health, safety, welfare or rights. Following an investigation, the ombudsman reports findings and recommendations to the participant or participant's guardian and may report the findings to any other entity deemed appropriate.

Additionally, the Adult Protective Services Act [WS 35-20-101, et seq.] requires that any person or agency who knows or has reasonable cause to believe that a vulnerable adult is being or has been abused, neglected, exploited or abandoned or is committing self-neglect shall report the information immediately to a law enforcement agency or the Wyoming Department of Family Services, Adult Protective Services (APS).

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:

The Division has the primary oversight responsibility regarding the use of restrictive interventions through its oversight of the service plan development and implementation processes. Case managers monitor the use of restrictive interventions through monthly service plan monitoring activities to ensure services are delivered in accordance with the service plan. The unauthorized use of a restrictive intervention must be reported as a critical incident. Critical incidents including the unauthorized use of a restrictive intervention are analyzed as described in Appendix G-1. The Division is working to modify its case management information system to allow for collection and aggregation of service plan data related to the use and monitoring of restrictive interventions in order to enable the identification of trends and development of quality improvement strategies.

The Wyoming Department of Health, Aging Division also oversees the use of restrictive interventions and ensures compliance with the safeguards concerning their use as part of the facility survey and licensure processes. Facility surveys are conducted upon initial licensure, in response to a complaint, and periodically thereafter. Aging Division surveyors inspect the facility, interview facility administrators and personnel, review documents, and undertake other procedures necessary to evaluate the extent to which the facility meets licensure standards and Medicare Conditions of Participation, as applicable. All survey results are submitted to the Division.

Appendix G: Participant Safeguards

Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (3 of 3)

c. Use of Seclusion. *(Select one): (This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

The state does not permit or prohibits the use of seclusion

Specify the state agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:

The Wyoming Department of Health, Aging Division has the primary oversight responsibility regarding the unauthorized use of involuntary seclusion as part of the facility survey and licensure processes. Facility surveys are conducted upon initial licensure, in response to a complaint, and periodically thereafter. Aging Division surveyors inspect the facility, interview facility administrators and personnel, review documents, and undertake other procedures necessary to evaluate the extent to which the facility meets licensure standards and Medicare Conditions of Participation, as applicable. All survey results are submitted to the Division.

Case managers conduct monthly service plan monitoring activities in order to identify any changes in the participant's condition or circumstances, screen for any potential risks or concerns, assess the participant's (and/or legal representative's, as appropriate) satisfaction with services and supports, evaluate the effectiveness of the service plan in meeting the participant's needs, and to ensure services are delivered in accordance with the service plan. Case managers must report the unauthorized use of involuntary seclusion as a critical incident.

The Long Term Care Ombudsman investigates, advocates, and mediates on behalf of adults applying for or receiving long term care services, to resolve complaints concerning actions or inactions that may adversely affect resident health, safety, welfare or rights. Following an investigation, the ombudsman reports findings and recommendations to the resident or resident's guardian and may report the findings to any other entity deemed appropriate.

Additionally, the Adult Protective Services Act [WS 35-20-101, et seq.] requires that any person or agency who knows or has reasonable cause to believe that a vulnerable adult is being or has been abused neglected, exploited or abandoned or is committing self-neglect shall report the information immediately to a law enforcement agency or the Wyoming Department of Family Services, Adult Protective Services (APS).

The use of seclusion is permitted during the course of the delivery of waiver services. Complete Items G-2-c-i

and G-2-c-ii.

- i. Safeguards Concerning the Use of Seclusion.** Specify the safeguards that the state has established concerning the use of each type of seclusion. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for overseeing the use of seclusion and ensuring that state safeguards concerning their use are followed and how such oversight is conducted and its frequency:

Appendix G: Participant Safeguards

Appendix G-3: Medication Management and Administration (1 of 2)

This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.

- a. Applicability.** Select one:

No. This Appendix is not applicable (*do not complete the remaining items*)

Yes. This Appendix applies (*complete the remaining items*)

- b. Medication Management and Follow-Up**

- i. Responsibility.** Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.

Assisted living facility service providers may manage the medications of participants who have been determined by a physician as incapable of administering their own medications. A registered nurse is required to review the participant's medication regimen every two months, whenever new medication is prescribed, or when a medication is changed.

The registered nurse oversees the participant's medication regimen and the administration of prescribed medications and treatments in accordance with the Wyoming Nurse Practice Act. In order to ensure medications are managed appropriately and to identify and follow up on potentially harmful practices, the registered nurse:

- Accepts responsibility for judgments, individual nursing actions, competence, decisions, and behavior in the course of nursing practice;
- Bases nursing decisions on nursing knowledge, evidence-based practice, skills, standards, and the needs of the participant;
- Participates as a member of the interdisciplinary healthcare team;
- Communicates and consults with other healthcare team members and seeks clarification of orders or direction when needed;
- Conducts a comprehensive assessment;
- Evaluates the participant's response to nursing care and other therapies;
- Identifies changes in the participant's health status and comprehends clinical implications of the client's signs, symptoms, and changes as part of expected or unexpected participant course and emergent situations; and
- Takes preventative measures to protect the participant, others, and self by identifying unsafe care situations and correcting problems or referring problems to appropriate management level when needed.

ii. Methods of State Oversight and Follow-Up. Describe: (a) the method(s) that the state uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially harmful practices; and, (c) the state agency (or agencies) that is responsible for follow-up and oversight.

The Wyoming Department of Health, Aging Division oversees the medication management activities conducted by assisted living facilities and ensures compliance with medication management standards as part of the facility survey and licensure processes. Facility surveys are conducted upon initial licensure, in response to a complaint, and periodically thereafter. Aging Division surveyors inspect the facility, interview facility administrators and personnel, review documents, and undertake other procedures necessary to evaluate the extent to which the facility meets licensure standards. Facility surveys include oversight of the medication management and administration activities and are used to detect potentially harmful practices. The Wyoming Department of Health, Aging Division may take disciplinary action or refuse to issue, renew, relicense, or reinstate a license should an assisted living facility demonstrate non-compliance with its licensure standards. All survey results are submitted to the Division.

The Wyoming State Board of Nursing may take disciplinary action or refuse to issue, renew, relicense, or reinstate a license should the registered nurse fail to meet the standards of the Wyoming Nurse Practice Act in conducting medication management activities.

Appendix G: Participant Safeguards

Appendix G-3: Medication Management and Administration (2 of 2)

c. Medication Administration by Waiver Providers

i. Provider Administration of Medications. *Select one:*

Not applicable. *(do not complete the remaining items)*

Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications. *(complete the remaining items)*

ii. State Policy. Summarize the state policies that apply to the administration of medications by waiver providers or

waiver provider responsibilities when participants self-administer medications, including (if applicable) policies concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Waiver service provider personnel who administer medications must be a professional nurse licensed and authorized to do so under the Wyoming Nurse Practice Act. Assisted living facilities, adult day care facilities, nursing care facilities, and home health agencies must comply with all protocols, practices, record keeping, and personnel education and training requirements for the storage and administration of medications in accordance with Chapter 12 of the Aging Division Rules for Program Administration of Assisted Living Facilities, Chapter 7 of the Aging Division Rules for Program Administration of Adult Day Care Facilities, Chapter 11 of the Aging Division Rules for Program Administration of Assisted Living Facilities, and Chapter 9 of the Aging Division Rules for Program Administration of Home Health Agencies.

A registered nurse oversees the participant's medication regimen and the administration of prescribed medications and treatments in accordance with the Wyoming Nurse Practice Act. In order to ensure medications are managed appropriately and to identify and follow up on potentially harmful practices, the registered nurse:

- Accepts responsibility for judgments, individual nursing actions, competence, decisions, and behavior in the course of nursing practice;
- Bases nursing decisions on nursing knowledge, evidence-based practice, skills, standards, and the needs of the participant;
- Participates as a member of the interdisciplinary healthcare team;
- Communicates and consults with other healthcare team members and seeks clarification of orders or direction when needed;
- Conducts a comprehensive assessment;
- Evaluates the participant's response to nursing care and other therapies;
- Identifies changes in the participant's health status and comprehends clinical implications of the client's signs, symptoms, and changes as part of expected or unexpected participant course and emergent situations; and
- Takes preventative measures to protect the participant, others, and self by identifying unsafe care situations and correcting problems or referring problems to appropriate management level when needed.

The medication assistance provided by Certified Nurse Assistants (CNAs) includes "assistance with medications that are ordinarily self-administered and that do not require the skills of a licensed nurse to be provided safely and effectively" as outlined in the §42 CFR 409.45(b)(1)(iii). After delegation by a licensed nursing professional, the CNA may assist the participant with self-administered medications. This assistance is limited to reminding the participant to take medications; removing medication container from storage; assisting with removal of a cap; assisting with the removal of a medication from a container for participants with a disability (i.e., arthritis) which prevents independence in this act; and observing the participant take the medication, opening and pouring premixed unit dose medication into a nebulizer cup when the patient is physically unable to do so, assisting in putting over the counter eye drops in the participant's eyes, assisting in applying topical ointments to intact skin, assisting with insertion of a rectal suppository.

iii. Medication Error Reporting. *Select one of the following:*

Providers that are responsible for medication administration are required to both record and report medication errors to a state agency (or agencies).

Complete the following three items:

- (a) Specify state agency (or agencies) to which errors are reported:

- (b) Specify the types of medication errors that providers are required to *record*:

(c) Specify the types of medication errors that providers must *report* to the state:

Providers responsible for medication administration are required to record medication errors but make information about medication errors available only when requested by the state.

Specify the types of medication errors that providers are required to record:

Medication errors resulting in emergency medical treatment and those related to the abuse, neglect, exploitation, or unexpected death of a participant must be reported as a critical incident.

Waiver service providers must record the following types of medication errors in the medication administration record:

- Incorrect medication administered to participant
- Medication not administered
- Medication not administered timely
- Medication administered in wrong dosage
- Medication administered via wrong route
- Allergic reaction to a medication

iv. State Oversight Responsibility. Specify the state agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.

The Wyoming Department of Health, Aging Division monitors the performance of waiver providers in the administration of medications as part of the facility/agency survey and licensure processes. Facility/agency surveys are conducted upon initial licensure, in response to a complaint, and periodically thereafter. Aging Division surveyors inspect the facility/agency, interview facility/agency administrators and personnel, review documents, and undertake other procedures necessary to evaluate the extent to which the facility/agency meets licensure standards. All survey results are submitted to the Division.

The Wyoming State Board of Nursing may take disciplinary action or refuse to issue, renew, relicense, or reinstate a license should the nurse or CNA fail to meet the standards of the Wyoming Nurse Practice Act in conducting medication administration/assistance activities.

Appendix G: Participant Safeguards

Quality Improvement: Health and Welfare

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Health and Welfare

The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare. (For waiver actions submitted before June 1, 2014, this assurance read "The State, on an ongoing basis, identifies, addresses, and seeks to prevent the occurrence of abuse, neglect and exploitation.")

i. Sub-Assurances:

- a. Sub-assurance:** *The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death. (Performance measures in this sub-assurance include all Appendix G performance measures for waiver actions submitted before June 1, 2014.)*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percentage of incidents including abuse, neglect, exploitation, and/or unexpected death (ANEUD) which were referred and an investigation was initiated within Division timelines. Numerator: Number of incidents including ANEUD referred and an investigation was initiated within Division timelines. Denominator: Total number of incidents including ANEUD.

Data Source (Select one):

Critical events and incident reports

If 'Other' is selected, specify:

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div></div>
Other Specify: <div></div>	Annually	Stratified Describe Group: <div></div>
	Continuously and Ongoing	Other Specify:

		<input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

Performance Measure:

Percentage of participants whose record includes documentation the information and education on how to report abuse, neglect, and exploitation. Numerator: Number of participants whose record includes current documentation of training and education. Denominator: Total number of participants.

Data Source (Select one):**Other**

If 'Other' is selected, specify:

Case Management Information System

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
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State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing

Responsible Party for data aggregation and analysis <i>(check each that applies):</i>	Frequency of data aggregation and analysis <i>(check each that applies):</i>
	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

Performance Measure:

Percentage of quarterly HCBS Quality Committee meetings conducted to review critical incident trends and identify potential system improvements to prevent instances of abuse, neglect, exploitation, and unexpected death. Numerator: Number of quarterly meetings conducted. Denominator: Number of meeting expected in the performance period.

Data Source (Select one):

Meeting minutes

If 'Other' is selected, specify:

Responsible Party for data collection/generation <i>(check each that applies):</i>	Frequency of data collection/generation <i>(check each that applies):</i>	Sampling Approach <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>
Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>
	Continuously and Ongoing	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>
	Other	

	Specify: <div></div>	
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Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

- b. Sub-assurance:** *The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.*

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percentage of critical incidents which were referred and processed within Division timelines. Numerator: Number of critical incidents referred and processed within Division timelines. Denominator: Total number of critical incidents.

Data Source (Select one):

Critical events and incident reports

If 'Other' is selected, specify:

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	Annually	Stratified Describe Group: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	Continuously and Ongoing	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	Other Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify:	Annually

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<input type="text"/>	
	Continuously and Ongoing
	Other Specify: <input type="text"/>

c. Sub-assurance: The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percent of critical incidents including a restrictive intervention which were compliant with Division procedures. Numerator: Number of critical incidents reviewed which were compliant with Division procedures. Denominator: Total number of critical incidents reviewed.

Data Source (Select one):

Critical events and incident reports

If 'Other' is selected, specify:

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence

		Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

d. Sub-assurance: *The state establishes overall health care standards and monitors those standards based*

on the responsibility of the service provider as stated in the approved waiver.

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

The Community Choices Waiver program does not establish overall healthcare standards for waiver participants. Pursuant to CMS guidance, reporting on this subassurance is therefore not required.

Data Source (Select one):

Other

If 'Other' is selected, specify:

N/A

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div></div>
Other Specify: <div></div>	Annually	Stratified Describe Group: <div></div>
	Continuously and Ongoing	Other Specify: <div></div>
	Other	

	Specify: <div></div>	
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Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

Individual deficiencies identified through regular monitoring activities or through waiver performance measures are remediated by the Division staff through the provision of technical assistance, the imposition of a corrective action or sanction, referrals to the appropriate regulatory/law enforcement agencies, and/or the suspension or termination of a Medicaid provider agreement.

In accordance with CMS guidance issued March 12, 2014, any performance measure with less than an 86% success rate warrants further analysis to determine the cause. The Division conducts a root cause analysis to identify contributing factors and determine underlying causes of deficiency for any measure with less than an 86% success rate. Based upon the findings of the root cause analysis, the Division may initiate a Quality Improvement Project (QIP). The QIP includes, at minimum:

- A description of remedial actions to be taken (e.g. training, revised policies/procedures, additional staff, different staffing patterns, provider/vendor corrective action);
- A timeline of remedial actions to be taken;
- The individuals responsible for effectuating remedial actions; and,
- The frequency with which performance/compliance is measured.

The HCBS Quality Improvement Committee assures accountability to the Division's stakeholders and provides oversight of quality improvement activities, including regular monitoring of QIP effectiveness.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (<i>check each that applies</i>):	Frequency of data aggregation and analysis (<i>check each that applies</i>):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Health and Welfare that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Health and Welfare, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix H: Quality Improvement Strategy (1 of 3)

Under §1915(c) of the Social Security Act and 42 CFR §441.302, the approval of an HCBS waiver requires that CMS determine that the state has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the state specifies how it has designed the waiver's critical processes, structures and operational features in order to meet these assurances.

- Quality Improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.

CMS recognizes that a state's waiver Quality Improvement Strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver's relationship to other public programs, and will extend beyond regulatory requirements. However, for the purpose of this application, the state is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.

It may be more efficient and effective for a Quality Improvement Strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the Quality Improvement Strategy.

Quality Improvement Strategy: Minimum Components

The Quality Improvement Strategy that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).

In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I) , a state spells out:

- The evidence based discovery activities that will be conducted for each of the six major waiver assurances; and
- The *remediation* activities followed to correct individual problems identified in the implementation of each of the assurances.

In Appendix H of the application, a state describes (1) the *system improvement* activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent *roles/responsibilities* of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously *assess the effectiveness of the OIS* and revise it as necessary and appropriate.

If the state's Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, including the specific tasks the state plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.

When the Quality Improvement Strategy spans more than one waiver and/or other types of long-term care services under the Medicaid state plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the Quality Improvement Strategy. In instances when the QIS spans more than one waiver, the state must be able to stratify information that is related to each approved waiver program. Unless the state has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the state must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.

Appendix H: Quality Improvement Strategy (2 of 3)

H-1: Systems Improvement

a. System Improvements

- i. Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.

The Division's Home and Community-Based Services Quality Improvement Committee (HCBS-QIC) identifies opportunities for system improvement and recommends system design changes to the Division for its consideration and implementation. The HCBS-QIC meets on a quarterly basis to monitor ongoing discovery and remediation activities, critical incident trends, participant experience/quality of life survey data, and progress reports on existing quality improvement projects and system improvement initiatives.

In prioritizing system improvements, the HCBS-QIC and the Division may consider the frequency, likelihood, and potential consequences of deficiencies; data on past performance in relation to performance indicators; external drivers (e.g. federal/state policy priorities and regulatory compliance standards); and/or stakeholder input. The HCBS-QIC and the Division may also use brainstorming, the nominal group technique, Healthcare Failure Mode and Effects Analyses (HFMEAs), prioritization matrices, or other decision-making methods and tools to establish system improvement priorities. The HCBS-QIC and the Division research best practices using credible sources (e.g. the National Quality Forum and the Agency for Healthcare Research and Quality) to identify and establish quality benchmarks and key performance indicators.

ii. System Improvement Activities

Responsible Party <i>(check each that applies):</i>	Frequency of Monitoring and Analysis <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Quality Improvement Committee	Annually
Other Specify: 	Other Specify:

b. System Design Changes

- i. Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the state's targeted standards for systems improvement.

The primary functions of the HCBS-QIC are to assure accountability to the Division's stakeholders and to monitor system design change progress and effectiveness. Quarterly progress reports on the recently concluded and ongoing quality improvement projects and system improvement initiatives are provided to the HCBS-QIC. Additionally, the effectiveness of system improvement initiatives is measured using data reports and trends in comparison with the established quality benchmarks and key performance indicators. HCBS-QIC quarterly meeting summaries and materials are available to the public through the Division's website.

The HCBS-QIC membership currently includes the State Medicaid Director or Designee; the Medical Director; and Division staff responsible for waiver program management, waiver program evaluation and quality improvement, waiver provider licensure/certification, and clinical/pharmacy care review. The Division intends to extend an invitation for membership to include representatives from the Aging Division, the Wyoming Department of Family Services, the State Council on Developmental Disabilities, the State Protection and Advocacy System, the University Center for Excellence in Developmental Disabilities, and other interested stakeholder groups in the future.

- ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.

The HCBS-QIC and Division evaluate the Quality Improvement Strategy at least every five years in coordination with the evidentiary report development and in preparation for the waiver renewal application. Evaluation of the Quality Improvement Strategy includes a review of:

- The measures and processes used to determine that each waiver assurance is met during the period that the waiver is in effect (discovery);
- The measures and processes employed to correct identified problems (remediation);
- The roles and responsibilities of the parties involved in measuring performance and making improvements;
- The processes employed to aggregate and analyze trends in the identification and remediation of problems;
- The processes employed to establish priorities, develop strategies for, and assess implementation of system improvements (system improvement);
- The process and timelines for compiling the information and communicating to waiver participants, families, service providers, other interested parties, and the public;
- The frequency and processes used to evaluate and revise the QIS; and
- How and by whom information about performance is used to identify and prioritize areas for system improvement;

Performance measures are also reviewed annually for face validity and reliability as part of the CMS 372 Report generation and submission. Waiver amendments are submitted during the waiver period to update performance measures and to modify the Quality Improvement Strategy as necessary.

Appendix H: Quality Improvement Strategy (3 of 3)

H-2: Use of a Patient Experience of Care/Quality of Life Survey

a. Specify whether the state has deployed a patient experience of care or quality of life survey for its HCBS population in the last 12 months (*Select one*):

No

Yes (*Complete item H.2b*)

b. Specify the type of survey tool the state uses:

HCBS CAHPS Survey :

NCI Survey :

NCI AD Survey :

Other (*Please provide a description of the survey tool used*):

Appendix I: Financial Accountability

I-1: Financial Integrity and Accountability

Financial Integrity. Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

(a) Pursuant to 2 CFR §200.502(i), Medicaid payments to a sub-recipient for providing patient care services to Medicaid-eligible individuals are not considered federal awards unless a state requires the funds to be treated as awards expended because reimbursement is made on a cost-reimbursement basis. Waiver service providers are reimbursed on a fee-for-service basis according to a standard fee schedule and are therefore not subject to an independent audit.

(b) All claims for reimbursement are submitted to the Medicaid Management Information System (MMIS) for processing. The MMIS is designed to meet federal certification requirements for claims processing, and submitted claims are adjudicated against MMIS edits prior to payment. Providers must maintain records which document the services provided and substantiate the claims submitted for reimbursement for a minimum of six years. Records must be maintained longer than six years as necessary to resolve any pending matters such as an ongoing audit or litigation.

The Division's Program Integrity Unit conducts scheduled and unscheduled post-payment audits on continuous and ongoing basis. Audits may consist of a desk and/or on-site review of provider records to evaluate veracity and integrity of the provider claims for reimbursement. A statistically valid, random sampling methodology is used to identify the scope of any given audit. Audits may be focused on a specific service provider or on a broader group of service providers within an enrollment taxonomy/type prioritized by the Program Integrity Unit for review. Providers and/or claims may also be selected for an audit when identified as a statistical outlier.

At the conclusion of an audit conducted by the Program Integrity Unit, there may be up to three (concurrent) outcomes. All outcomes are communicated to the providers via certified mail (as outlined in Chapter 16 of the Rules and Regulations for Medicaid).

1) A final audit report will be issued to the provider, this report will list all findings and requirements for the provider to develop a corrective action plan or quality improvement plan. These corrective action or quality improvement plans are reviewed and approved by the Program Integrity Unit and compliance is monitored at three and six months post implementation.

2) There may be monetary findings which result in the initiation of the overpayment recovery process. Federal Financial Participation (FFP) reimbursement and accounting is managed by the Program Integrity Unit in collaboration with the Wyoming Department of Health, Fiscal Services Unit.

3) A law enforcement referral may be made to the Medicaid Fraud Control Unit or other law enforcement agency. Each of these outcomes are monitored by the Program Integrity Unit.

Claims submitted for reimbursement of services delivered under the participant-directed service delivery option are subject to the same auditing standards as those delivered under the agency-based service delivery option.

(c) The Wyoming State Auditor's Office is responsible for conducting the single statewide audit under the provisions of the Single Audit Act.

Appendix I: Financial Accountability

Quality Improvement: Financial Accountability

As a distinct component of the States quality improvement strategy, provide information in the following fields to detail the States methods for discovery and remediation.

a. Methods for Discovery: Financial Accountability Assurance:

The State must demonstrate that it has designed and implemented an adequate system for ensuring financial accountability of the waiver program. (For waiver actions submitted before June 1, 2014, this assurance read "State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.")

i. Sub-Assurances:

- a. Sub-assurance: The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.**
(Performance measures in this sub-assurance include all Appendix I performance measures for waiver)

actions submitted before June 1, 2014.)

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percent of claim lines reimbursed using the correct code as specified in the provider manual. Numerator: Number of claim lines reimbursed using the correct code.

Denominator: Total number of claim lines.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Medicaid Management Information System (MMIS)

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify:	

	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;"></div>	
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Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div style="border: 1px solid black; width: 150px; height: 25px; margin-top: 5px;"></div>	Annually
	Continuously and Ongoing
	Other Specify: <div style="border: 1px solid black; width: 150px; height: 25px; margin-top: 5px;"></div>

Performance Measure:

Percent of claim lines reimbursed within prior authorization unit limits. Numerator: Number of claim lines reimbursed within prior authorization limits. Denominator: Total number of claim lines.

Data Source (Select one):**Other**

If 'Other' is selected, specify:

Medicaid Management Information System (MMIS)

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence

		Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

b. Sub-assurance: The state provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.

Performance Measures

For each performance measure the State will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the State to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

Performance Measure:

Percent of claim lines reimbursed at or below the maximum allowable rate as specified in the approved waiver application and provider manual. Numerator: Number of claim lines reimbursed at or below the maximum allowable rate. Denominator: Total number of claim lines reimbursed.

Data Source (Select one):

Other

If 'Other' is selected, specify:

Medicaid Management Information System (MMIS)

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify:	

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Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

b. Methods for Remediation/Fixing Individual Problems

- i. Describe the States method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the state to document these items.

Individual deficiencies identified through regular monitoring activities or through waiver performance measures are remediated by the Division staff through the provision of technical assistance, the imposition of a corrective action or sanction, referrals to the appropriate regulatory/law enforcement agencies, and/or the suspension or termination of a Medicaid provider agreement.

In accordance with CMS guidance issued March 12, 2014, any performance measure with less than an 86% success rate warrants further analysis to determine the cause. The Division conducts a root cause analysis to identify contributing factors and determine underlying causes of deficiency for any measure with less than an 86% success rate. Based upon the findings of the root cause analysis, the Division may initiate a Quality Improvement Project (QIP). The QIP includes, at minimum:

- A description of remedial actions to be taken (e.g. training, revised policies/procedures, additional staff, different staffing patterns, provider/vendor corrective action);*
- A timeline of remedial actions to be taken;*
- The individuals responsible for effectuating remedial actions; and,*
- The frequency with which performance/compliance is measured.*

The HCBS Quality Improvement Committee assures accountability to the Division's stakeholders and provides oversight of quality improvement activities, including regular monitoring of QIP effectiveness.

ii. Remediation Data Aggregation

Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Financial Accountability, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (1 of 3)

a. Rate Determination Methods. *In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).*

All waiver services are reimbursed on a fee-for-service basis according to the Division's standard fee schedule.

Rates for the following services were determined in July 2015 using a rate-setting model developed in collaboration with Navigant Consulting, Inc.:

*Home Health Aide
Respite (In-Home)
Skilled Nursing
Assisted Living Facility Services*

The 2015 rate model was designed to recognize reasonable and necessary provider costs, reflect participant needs, and increase transparency. The model employs assumptions regarding service intensity, staffing ratios; the types of employees; employee salaries, wages, and benefits; and indirect cost allocations. Data derived from the targeted provider cost and wage surveys, the Bureau of Labor Statistics, and industry standards were integrated into the model's assumptions. The Division's rate setting methodology for assisted living facility services excludes costs for room and board. Waiver participants are responsible for reimbursing assisted living facilities for room and board costs pursuant to the provisions of the participant's lease or similarly enforceable residential agreement.

Rates for the following services were determined in 2007 based on the Division's historical experience with similar services or as directed by the Wyoming Legislature. These historical rates have been periodically adjusted on a percentage basis by the Wyoming Legislature for small inflationary increases:

*Adult Day Services
Case Management
Personal Support Services
Home-Delivered Meals
Non-Medical Transportation
Personal Emergency Response Systems (PERS)*

Rates for respite services delivered in a nursing facility were determined using a statewide weighted average of daily reimbursements for nursing care facility services as of January 1, 2020.

Rates for respite services delivered in an assisted living facility were determined using a weighted average of daily reimbursement for assisted living facility services for the three fiscal years ending June 30, 2019, and a daily allowance for room and board was added in accordance with 42 CFR §441.310(a)(2). The daily room and board allowance was calculated by dividing the monthly Social Security Income Federal Benefit Rate (less a \$50.00 personal needs allowance) by 30.42.

Notice of any significant changes to the Division's methods and standards for setting payment rates is published in accordance with 42 CFR §447.205, and public input is obtained as described in Item 6-I of this application.

The Division has retained the services of Navigant Consulting, Inc. to conduct a comprehensive rate study with an anticipated completion date of July 2021. This study includes opportunity for public input and comment on the Division's proposed rate determination methods and will be used to inform the Division's rate setting and budgeting activities. Any rate changes recommended as a result of the study may be accepted in accordance with the Division's ability to implement those changes within the funds appropriated by the Wyoming Legislature and upon approval by the Centers for Medicare and Medicaid Services.

- b. Flow of Billings.** Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the state's claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:

Waiver services delivered under the participant-directed service delivery option are approved by the participant/designated employer of record and submitted to the Division's contracted Financial Management Services (FMS) agency for reimbursement. The FMS agency conducts payroll activities as described in Appendix E of this waiver application and submits claims for reimbursement directly to the Division's Medicaid Management Information System (MMIS).

For all other waiver services, claims for reimbursement are submitted by the service provider directly to the MMIS and are not routed through any other intermediary entity.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (2 of 3)

c. Certifying Public Expenditures (select one):

No. state or local government agencies do not certify expenditures for waiver services.

Yes. state or local government agencies directly expend funds for part or all of the cost of waiver services and certify their state government expenditures (CPE) in lieu of billing that amount to Medicaid.

Select at least one:

Certified Public Expenditures (CPE) of State Public Agencies.

Specify: (a) the state government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the state verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (Indicate source of revenue for CPEs in Item I-4-a.)

Certified Public Expenditures (CPE) of Local Government Agencies.

Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the state verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). (Indicate source of revenue for CPEs in Item I-4-b.)

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (3 of 3)

d. Billing Validation Process. *Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant's approved service plan; and, (c) the services were provided:*

All waiver services must be included in the participant's service plan. Participant service plans are maintained in the Division's case management information system which exchanges data with the Medicaid Management Information System (MMIS). The MMIS edits the service plan data for participant Medicaid eligibility, waiver program enrollment status, maximum allowable reimbursement rates, service provider enrollment status, and any other service line authorization edits and generates a prior authorization file. Once approved, service prior authorization data is transmitted from the MMIS to the Division's case management information system to confirm prior authorization of services included in the participant service plan. Providers are notified of waiver service prior authorization via an online provider portal and/or by mail.

All provider claims for reimbursement are submitted to the MMIS for processing. The MMIS is designed to meet federal certification requirements for claims processing, and submitted claims are adjudicated against MMIS edits prior to payment.

(a) An MMIS edit ensures that the waiver participant is eligible for Medicaid for the date(s) of service included on the claim.

(b) The MMIS validates the prior authorization of submitted claims. Claims for services submitted without prior authorization are denied.

(c) Providers must attest to the veracity of claims submitted for reimbursement. The accuracy of claim information is verified during the post payment audit processes described in Appendix I-1. Additionally, case managers must conduct monthly service plan monitoring activities to ensure services are delivered in accordance with the service plan. Monthly service plan monitoring activities are documented in the Division's case management information system. Service utilization data is available in the Division's case management information system as claims are submitted and reimbursed. Case managers monitor service utilization data and compare against the authorized amounts to identify any potential problems with service access or delivery and may follow up with service providers as necessary to support service plan implementation.

e. Billing and Claims Record Maintenance Requirement. Records documenting the audit trail of adjudicated claims (including supporting documentation) are maintained by the Medicaid agency, the operating agency (if applicable), and providers of waiver services for a minimum period of 3 years as required in 45 CFR §92.42.

Appendix I: Financial Accountability

I-3: Payment (1 of 7)

a. Method of payments -- MMIS (select one):

Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).

Payments for some, but not all, waiver services are made through an approved MMIS.

Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) and how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

Payments for waiver services are not made through an approved MMIS.

Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:

Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS.

Describe how payments are made to the managed care entity or entities:

Appendix I: Financial Accountability

I-3: Payment (2 of 7)

b. Direct payment. *In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (select at least one):*

The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities.

The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program.

The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.

Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:

Providers are paid by a managed care entity or entities for services that are included in the state's contract with the entity.

Specify how providers are paid for the services (if any) not included in the state's contract with managed care entities.

Appendix I: Financial Accountability

I-3: Payment (3 of 7)

c. Supplemental or Enhanced Payments. *Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to states for expenditures for services under an approved state plan/waiver. Specify whether supplemental or enhanced payments are made. Select one:*

No. The state does not make supplemental or enhanced payments for waiver services.

Yes. The state makes supplemental or enhanced payments for waiver services.

Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-

Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the state to CMS. Upon request, the state will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.

Appendix I: Financial Accountability

I-3: Payment (4 of 7)

d. Payments to state or Local Government Providers. *Specify whether state or local government providers receive payment for the provision of waiver services.*

No. *State or local government providers do not receive payment for waiver services. Do not complete Item I-3-e.*

Yes. *State or local government providers receive payment for waiver services. Complete Item I-3-e.*

Specify the types of state or local government providers that receive payment for waiver services and the services that the state or local government providers furnish:

County Public Health Nursing Agencies may be enrolled and reimbursed as a provider of any waiver service for which that agency is willing and qualified pursuant to the standards and processes detailed in Appendix C of this waiver application.

Appendix I: Financial Accountability

I-3: Payment (5 of 7)

e. Amount of Payment to State or Local Government Providers.

Specify whether any state or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the state recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. Select one:

The amount paid to state or local government providers is the same as the amount paid to private providers of the same service.

The amount paid to state or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services.

The amount paid to state or local government providers differs from the amount paid to private providers of the same service. When a state or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the state recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report.

Describe the recoupment process:

Appendix I: Financial Accountability

f. Provider Retention of Payments. Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver. Select one:

Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.

Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment.

Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the state.

Appendix I: Financial Accountability

I-3: Payment (7 of 7)

g. Additional Payment Arrangements

i. Voluntary Reassignment of Payments to a Governmental Agency. Select one:

No. The state does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.

Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR §447.10(e).

Specify the governmental agency (or agencies) to which reassignment may be made.

ii. Organized Health Care Delivery System. Select one:

No. The state does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.

Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.

Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for assuring that participants have free choice of qualified providers when an OHCDS arrangement is employed, including the selection of providers not affiliated with the OHCDS; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDS meet applicable provider qualifications under the waiver; (e) how it is assured that OHCDS contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDS arrangement is used:

iii. Contracts with MCOs, PIHPs or PAHPs.

The state does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.

The state contracts with a Managed Care Organization(s) (MCOs) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of §1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the state Medicaid agency.

Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.

This waiver is a part of a concurrent ?1115/?1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The ?1115 waiver specifies the types of health plans that are used and how payments to these plans are made.

If the state uses more than one of the above contract authorities for the delivery of waiver services, please select this option.

In the textbox below, indicate the contract authorities. In addition, if the state contracts with MCOs, PIHPs, or PAHPs under the provisions of §1915(a)(1) of the Act to furnish waiver services: Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the state Medicaid agency. Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.

Appendix I: Financial Accountability

I-4: Non-Federal Matching Funds (1 of 3)

a. State Level Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the state source or sources of the non-federal share of computable waiver costs. Select at least one:

Appropriation of State Tax Revenues to the State Medicaid agency

Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency.

If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the state entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by state agencies as CPEs, as indicated in Item I-2-c:

Other State Level Source(s) of Funds.

Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by state agencies as CPEs, as indicated in Item I-2-c:

Appendix I: Financial Accountability**I-4: Non-Federal Matching Funds (2 of 3)**

b. Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. Select One:

Not Applicable. There are no local government level sources of funds utilized as the non-federal share.

Applicable

Check each that applies:

Appropriation of Local Government Revenues.

Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

Other Local Government Level Source(s) of Funds.

Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the state Medicaid agency or fiscal agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

Appendix I: Financial Accountability**I-4: Non-Federal Matching Funds (3 of 3)**

c. Information Concerning Certain Sources of Funds. Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds. Select one:

None of the specified sources of funds contribute to the non-federal share of computable waiver costs

The following source(s) are used

Check each that applies:

Health care-related taxes or fees

Provider-related donations***Federal funds***

For each source of funds indicated above, describe the source of the funds in detail:

Appendix I: Financial Accountability

I-5: Exclusion of Medicaid Payment for Room and Board

a. Services Furnished in Residential Settings. Select one:

No services under this waiver are furnished in residential settings other than the private residence of the individual.

As specified in Appendix C, the state furnishes waiver services in residential settings other than the personal home of the individual.

b. Method for Excluding the Cost of Room and Board Furnished in Residential Settings. The following describes the methodology that the state uses to exclude Medicaid payment for room and board in residential settings:

The Division's rate setting methodology for assisted living facility services excludes costs for room and board. Waiver participants are responsible for reimbursing assisted living facilities for room and board costs pursuant to the provisions of the participant's lease or similarly enforceable residential agreement.

Reimbursement for respite services provided on a temporary basis in an approved assisted living or nursing care facility include costs for room and board in accordance with 42 CFR §441.310(a)(2).

Appendix I: Financial Accountability

I-6: Payment for Rent and Food Expenses of an Unrelated Live-In Caregiver

Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver. Select one:

No. The state does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.

Yes. Per 42 CFR §441.310(a)(2)(ii), the state will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The state describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.

The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (1 of 5)

a. Co-Payment Requirements. Specify whether the state imposes a co-payment or similar charge upon waiver participants for waiver services. These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation. Select one:

No. The state does not impose a co-payment or similar charge upon participants for waiver services.

Yes. The state imposes a co-payment or similar charge upon participants for one or more waiver services.

i. Co-Pay Arrangement.

Specify the types of co-pay arrangements that are imposed on waiver participants (check each that applies):

Charges Associated with the Provision of Waiver Services (if any are checked, complete Items I-7-a-ii through I-7-a-iv):

Nominal deductible

Coinsurance

Co-Payment

Other charge

Specify:

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)

a. Co-Payment Requirements.

ii. Participants Subject to Co-pay Charges for Waiver Services.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)

a. Co-Payment Requirements.

iii. Amount of Co-Pay Charges for Waiver Services.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)

a. Co-Payment Requirements.

iv. Cumulative Maximum Charges.

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

Appendix I: Financial Accountability

I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)

b. Other State Requirement for Cost Sharing. Specify whether the state imposes a premium, enrollment fee or similar cost sharing on waiver participants. Select one:

No. The state does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants.

Yes. The state imposes a premium, enrollment fee or similar cost-sharing arrangement.

Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income; (c) the groups of participants subject to cost-sharing and the groups who are excluded; and, (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64:

Appendix J: Cost Neutrality Demonstration**J-1: Composite Overview and Demonstration of Cost-Neutrality Formula**

Composite Overview. Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have been completed.

Level(s) of Care: Nursing Facility

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
1	6855.05	7975.00	14830.05	33773.00	2097.00	35870.00	21039.95
2	8908.80	7312.74	16221.54	37043.63	2089.32	39132.95	22911.41
3	8727.56	7343.97	16071.53	38336.45	2098.24	40434.69	24363.16
4	10675.74	6371.27	17047.01	36648.54	1866.83	38515.37	21468.36
5	10524.34	6696.20	17220.54	37539.10	1962.04	39501.14	22280.60

Appendix J: Cost Neutrality Demonstration**J-2: Derivation of Estimates (1 of 9)**

a. Number Of Unduplicated Participants Served. Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:

Table: J-2-a: Unduplicated Participants

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)	
		Level of Care:	
		Nursing Facility	
Year 1	2324		2324
Year 2	2631		2631
Year 3	2870		2870

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)	
		Level of Care:	
		Nursing Facility	
Year 4	2916		2916
Year 5	3143		3143

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (2 of 9)

- b. Average Length of Stay.** Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.

The Department analyzed historical growth rates of total waiver enrollment days and average length of stay (ALOS) using CMS 372 Report data for the seven state fiscal years ending June 30, 2019. The Department selected a standard linear regression model and applied the average growth rate to the previous years' total waiver enrollment days and divided by the forecasted unduplicated participant count to derive the ALOS estimates.

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (3 of 9)

- c. Derivation of Estimates for Each Factor.** Provide a narrative description for the derivation of the estimates of the following factors.

- i. Factor D Derivation.** The estimates of Factor D for each waiver year are located in Item J-2-d. The basis and methodology for these estimates is as follows:

For each waiver service, the Department estimated the number participants utilizing each service, the number of units per user, the average cost per unit, and the total cost of the service. To estimate these factors, the Department examined historical growth rates, the fraction of the total waiver population that utilized each service, and graphical trends using CMS 372 Report data for the seven state fiscal years ending June 30, 2019. Once the historical data was analyzed, the Department selected trend factors to forecast the number of users, the number of units per user, and the average cost per unit for each service. These forecasted factors were then multiplied together to calculate the total estimated expenditure for each service. The total expenditures for each service were added then divided by the forecasted unduplicated participant count to derive the Factor D estimates.

A weighted average was used to estimate the cost per unit for consolidated services reimbursed using a variable reimbursement rate, e.g. assisted living services levels 1-3. The weighted average is based upon the expected mix of payment rates in accordance with the HCBS Technical Guide instructions for item J-2-c-i.

- ii. Factor D' Derivation.** The estimates of Factor D' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

The Department analyzed historical Factor D' growth rates using CMS 372 Report data for the seven state fiscal years ending June 30, 2019. The Department selected and applied a growth trend equal to the Medical Care Services Consumer Price Index (5.1%) as of December 2019 to the previous years' non-waiver Medicaid costs and divided by the forecasted unduplicated participant count to derive the Factor D' estimates. Factor D' does not include costs for prescribed drugs furnished to those waiver participants dually eligible for Medicare and Medicaid.

- iii. Factor G Derivation.** The estimates of Factor G for each waiver year are included in Item J-1. The basis of these estimates is as follows:

The Department analyzed historical growth rates of institutional costs for nursing facility residents using CMS 372 Report data for the seven state fiscal years ending June 30, 2019. The Department selected a standard linear regression model and applied the average growth rate to the previous years' institutional costs and divided by the forecasted nursing facility resident count to derive the Factor G estimates.

- iv. **Factor G' Derivation.** The estimates of Factor G' for each waiver year are included in Item J-1. The basis of these estimates is as follows:

The Department analyzed historical growth rates of non-institutional costs for nursing facility residents using CMS 372 Report data for the seven state fiscal years ending June 30, 2019. The Department selected and applied a growth trend equal to the Medical Care Services Consumer Price Index (5.1%) as of December 2019 to the previous years' institutional costs and divided by the forecasted nursing facility resident count to derive the Factor G' estimates.

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (4 of 9)

Component management for waiver services. If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select "manage components" to add these components.

Waiver Services	
Adult Day Services	
Case Management	
Home Health Aide	
Personal Support Services	
Respite	
Skilled Nursing	
Financial Management Services	
Assisted Living Facility Services	
Home-Delivered Meals	
Non-Medical Transportation	
Personal Emergency Response Systems (PERS)	

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (5 of 9)

d. Estimate of Factor D.

- i. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 1

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Services Total:						58104.90
GRAND TOTAL:						15931140.07
Total Estimated Unduplicated Participants:						2324
Factor D (Divide total by number of participants):						6855.05
Average Length of Stay on the Waiver:						210

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Services	15 Minutes	23	1203.00	2.10	58104.90	
Case Management Total:						3966920.96
Agency Option (Terminated as of 7/1/17)	1 Day	1232	263.00	8.81	2854580.96	
Participant-Directed Option (Terminated as of 7/1/17)	1 Day	582	268.00	6.00	935856.00	
Assisted Living Option Option (Terminated as of 7/1/17)	1 Day	191	231.00	4.00	176484.00	
All Options (As of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Home Health Aide Total:						1901596.88
Home Health Aide	15 Minutes	932	289.00	7.06	1901596.88	
Personal Support Services Total:						4088718.00
Participant-Directed	15 Minutes	537	2538.00	3.00	4088718.00	
Agency-Based	15 Minutes	0	0.00	0.01	0.00	
Respite Total:						43332.00
In-Home	15 Minutes	20	345.00	6.28	43332.00	
Facility-Based	1 Day	0	0.00	0.01	0.00	
Skilled Nursing Total:						611746.24
Nursing Care	1 Hour	574	16.00	66.61	611746.24	
Nursing Assessment/Evaluation	1 Assessment	0	0.00	0.01	0.00	
Financial Management Services Total:						419040.00
Financial Management Services	1 Month	582	9.00	80.00	419040.00	
Assisted Living Facility Services Total:						2388877.94
Level I (Terminated as of 7/1/17)	1 Day	73	251.00	42.00	769566.00	
Level II (Terminated as of 7/1/17)	1 Day	67	174.00	50.93	593741.94	
Level III (Terminated as of 7/1/17)	1 Day	104	161.00	61.25	1025570.00	
All Levels (As of 7/1/17)					0.00	
GRAND TOTAL:					15931140.07	
Total Estimated Unduplicated Participants:					2324	
Factor D (Divide total by number of participants):					6855.05	
Average Length of Stay on the Waiver:						210

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
	1 Day	0	0.00	0.01		
Home-Delivered Meals Total:						2021118.75
Home-Delivered Meals	1 Meal	1305	295.00	5.25	2021118.75	
Non-Medical Transportation Total:						34214.40
Non-Medical Transportation	1 Trip (One-Way)	192	33.00	5.40	34214.40	
Personal Emergency Response Systems (PERS) Total:						397470.00
Monitoring	1 Month	1072	8.00	45.00	385920.00	
Installation	1 Installation	165	1.00	70.00	11550.00	
GRAND TOTAL: Total Estimated Unduplicated Participants: Factor D (Divide total by number of participants): Average Length of Stay on the Waiver:						15931140.07 2324 6855.05 210

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (6 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 2

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Services Total:						14905.59
Adult Day Services	15 minutes	10	709.79	2.10	14905.59	
Case Management Total:						5073868.77
Agency Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Participant-Directed Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Assisted Living Option Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
All Options (As of					5073868.77	
GRAND TOTAL: Total Estimated Unduplicated Participants: Factor D (Divide total by number of participants): Average Length of Stay on the Waiver:						23439040.41 2631 8908.80 254

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
7/1/17)	1 Day	2631	260.96	7.39		
Home Health Aide Total:						2775422.68
Home Health Aide	15 Minutes	928	423.62	7.06	2775422.68	
Personal Support Services Total:						6143721.08
Participant-Directed	15 Minutes	691	2694.26	3.30	6143721.08	
Agency-Based	15 Minutes	0	0.00	0.01	0.00	
Respite Total:						89113.20
In-Home	15 Minutes	30	473.00	6.28	89113.20	
Facility-Based	1 Day	0	0.00	0.01	0.00	
Skilled Nursing Total:						1362281.08
Nursing Care	1 Hour	684	29.90	66.61	1362281.08	
Nursing Assessment/Evaluation	1 Assessment	0	0.00	0.01	0.00	
Financial Management Services Total:						414646.40
Financial Management Services	1 Month	692	7.49	80.00	414646.40	
Assisted Living Facility Services Total:						4146765.48
Level I (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Level II (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Level III (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
All Levels (As of 7/1/17)	1 Day	309	236.35	56.78	4146765.48	
Home-Delivered Meals Total:						2699869.41
Home-Delivered Meals	1 Meal	1786	287.94	5.25	2699869.41	
Non-Medical Transportation Total:						42767.53
Non-Medical Transportation	1 Trip (One-Way)	298	41.24	3.48	42767.53	
Personal Emergency Response Systems (PERS) Total:						675679.20
Monitoring					643759.20	
GRAND TOTAL:						23439040.41
Total Estimated Unduplicated Participants:						2631
Factor D (Divide total by number of participants):						8908.80
Average Length of Stay on the Waiver:						254

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
	1 Month	1687	8.48	45.00		
Installation	1 Installation	456	1.00	70.00	31920.00	
GRAND TOTAL:						23439040.41
Total Estimated Unduplicated Participants:						2631
Factor D (Divide total by number of participants):						8908.80
Average Length of Stay on the Waiver:						254

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (7 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 3

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Services Total:						18865.31
Adult Day Services	15 Minutes	11	816.68	2.10	18865.31	
Case Management Total:						5448517.92
Agency Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Participant-Directed Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Assisted Living Option Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
All Options (As of 7/1/17)	1 Day	2870	257.59	7.37	5448517.92	
Home Health Aide Total:						2818568.74
Home Health Aide	15 Minutes	933	427.90	7.06	2818568.74	
Personal Support Services Total:						6684461.59
Participant-Directed	15 Minutes	740	2729.02	3.31	6684461.59	
Agency-Based	15 Minutes	0	0.00	0.01	0.00	
Respite Total:						97355.07
GRAND TOTAL:						25048097.73
Total Estimated Unduplicated Participants:						2870
Factor D (Divide total by number of participants):						8727.56
Average Length of Stay on the Waiver:						251

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
In-Home	15 Minutes	32	484.45	6.28	97355.07	
Facility-Based	1 Day	0	0.00	0.01	0.00	
Skilled Nursing Total:						1426403.19
Nursing Care	1 Hour	715	29.95	66.61	1426403.19	
Nursing Assessment/Evaluation	1 Assessment	0	0.00	0.01	0.00	
Financial Management Services Total:						439264.00
Financial Management Services	1 Month	742	7.40	80.00	439264.00	
Assisted Living Facility Services Total:						4454088.90
Level I (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Level II (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Level III (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
All Levels (As of 7/1/17)	1 Day	337	230.46	57.35	4454088.90	
Home-Delivered Meals Total:						2885005.41
Home-Delivered Meals	1 Meal	1919	286.36	5.25	2885005.41	
Non-Medical Transportation Total:						45257.60
Non-Medical Transportation	1 Trip (One-Way)	328	38.65	3.57	45257.60	
Personal Emergency Response Systems (PERS) Total:						730310.00
Monitoring	1 Month	1840	8.40	45.00	695520.00	
Installation	1 Installation	497	1.00	70.00	34790.00	
GRAND TOTAL:						25048097.73
Total Estimated Unduplicated Participants:						2870
Factor D (Divide total by number of participants):						8727.56
Average Length of Stay on the Waiver:						251

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (8 of 9)

d. Estimate of Factor D.

i. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be

completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 4

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Services Total:						16319.52
Adult Day Services	15 Minutes	10	777.12	2.10	16319.52	
Case Management Total:						6147727.86
Agency Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Participant-Directed Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Assisted Living Option Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
All Options (As of 7/1/17)	1 Day	2916	277.77	7.59	6147727.86	
Home Health Aide Total:						4631940.10
Home Health Aide	15 Minutes	1083	606.66	7.05	4631940.10	
Personal Support Services Total:						8058009.39
Participant-Directed	15 Minutes	667	3627.92	3.33	8058009.39	
Agency-Based	15 Minutes	0	0.00	0.01	0.00	
Respite Total:						91582.12
In-Home	15 Minutes	26	560.89	6.28	91582.12	
Facility-Based	1 Day	0	0.00	0.01	0.00	
Skilled Nursing Total:						2276948.17
Nursing Care	1 Hour	876	37.69	66.61	2199225.07	
Nursing Assessment/Evaluation	1 Assessment	876	1.05	84.50	77723.10	
Financial Management Services Total:						514390.40
Financial Management Services	1 Month	667	9.64	80.00	514390.40	
Assisted Living Facility Services Total:						5308706.84
Level I (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Level II (Terminated)					0.00	
GRAND TOTAL:						31130462.02
Total Estimated Unduplicated Participants:						2916
Factor D (Divide total by number of participants):						10675.74
Average Length of Stay on the Waiver:						306

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
as of 7/1/17)	1 Day	0	0.00	0.01		
Level III (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
All Levels (As of 7/1/17)	1 Day	377	233.95	60.19	5308706.84	
Home-Delivered Meals Total:						3221129.65
Home-Delivered Meals	1 Meal	1997	308.41	5.23	3221129.65	
Non-Medical Transportation Total:						66863.10
Non-Medical Transportation	1 Trip (One-Way)	371	51.20	3.52	66863.10	
Personal Emergency Response Systems (PERS) Total:						796844.87
Monitoring	1 Month	1898	9.16	44.08	766360.77	
Installation	1 Installation	446	1.00	68.35	30484.10	
GRAND TOTAL: Total Estimated Unduplicated Participants: Factor D (Divide total by number of participants): Average Length of Stay on the Waiver:						31130462.02 2916 10675.74 306

Appendix J: Cost Neutrality Demonstration

J-2: Derivation of Estimates (9 of 9)

d. Estimate of Factor D.

i. Non-Concurrent Waiver. Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

Waiver Year: Year 5

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Adult Day Services Total:						34271.16
Adult Day Services	15 Minutes	20	815.98	2.10	34271.16	
Case Management Total:						6642331.65
Agency Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Participant-Directed Option (Terminated as	1 Day				0.00	
GRAND TOTAL: Total Estimated Unduplicated Participants: Factor D (Divide total by number of participants): Average Length of Stay on the Waiver:						33077994.13 3143 10524.34 312

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
of 7/1/17)		0	0.00	0.01		
Assisted Living Option Option (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
All Options (As of 7/1/17)	1 Day	3143	277.71	7.61	6642331.65	
Home Health Aide Total:						4760248.69
Home Health Aide	15 Minutes	1113	606.66	7.05	4760248.69	
Personal Support Services Total:						9045254.22
Participant-Directed	15 Minutes	698	3830.72	3.33	8903895.72	
Agency-Based	15 Minutes	200	212.25	3.33	141358.50	
Respite Total:						140604.66
In-Home	15 Minutes	28	586.58	6.28	103144.23	
Facility-Based	1 Day	12	18.39	169.75	37460.43	
Skilled Nursing Total:						2388582.80
Nursing Care	1 Hour	888	39.05	66.61	2309795.00	
Nursing Assessment/Evaluation	1 Assessment	888	1.05	84.50	78787.80	
Financial Management Services Total:						0.00
Financial Management Services	1 Month	0	0.00	0.01	0.00	
Assisted Living Facility Services Total:						5663736.22
Level I (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Level II (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
Level III (Terminated as of 7/1/17)	1 Day	0	0.00	0.01	0.00	
All Levels (As of 7/1/17)	1 Day	406	229.48	60.79	5663736.22	
Home-Delivered Meals Total:						3466001.33
Home-Delivered Meals	1 Meal	2136	310.26	5.23	3466001.33	
Non-Medical Transportation Total:						74360.39
Non-Medical					74360.39	
GRAND TOTAL:						33077994.13
Total Estimated Unduplicated Participants:						3143
Factor D (Divide total by number of participants):						10524.34
Average Length of Stay on the Waiver:						312

<i>Waiver Service/ Component</i>	<i>Unit</i>	<i># Users</i>	<i>Avg. Units Per User</i>	<i>Avg. Cost/ Unit</i>	<i>Component Cost</i>	<i>Total Cost</i>
<i>Transportation</i>	<i>1 Trip (On-Way)</i>	<i>410</i>	<i>50.52</i>	<i>3.59</i>		
<i>Personal Emergency Response Systems (PERS) Total:</i>						<i>862603.01</i>
<i>Monitoring</i>	<i>1 Month</i>	<i>2046</i>	<i>9.20</i>	<i>44.08</i>	<i>829726.66</i>	
<i>Installation</i>	<i>1 Installation</i>	<i>481</i>	<i>1.00</i>	<i>68.35</i>	<i>32876.35</i>	
GRAND TOTAL: <i>Total Estimated Unduplicated Participants:</i> <i>Factor D (Divide total by number of participants):</i> <i>Average Length of Stay on the Waiver:</i>						<i>33077994.13</i> <i>3143</i> <i>10524.34</i> <i>312</i>